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BOMBAY ACT No. XX OF 1949.[1]

[THE KARNATAK UNIVERSITY ACT, 1949.]

[*11th May 1949*]

Amended by Bom. 53 of 1949.

An Act to establish and incorporate a University in the Province of Bombay to be known as the Karnatak University.

WHEREAS it is expedient to establish and incorporate a University in the Province of Bombay to be known as the Karnatak University as a measure in the decentralization and reorganisation of university education in the Province of Bombay ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. (*1*) This Act may be called the Karnatak University Act, 1949.

(*2*) This section shall come into force at once.

(*3*) The Provincial Government may, by notification in the *Official Gazette*, direct that all or any of the remaining provisions of this Act shall come into force on such date or dates as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Affiliated" means affiliated under sections 5 and 32 ;

(*2*) "College" means a degree college or an intermediate college ;

(*3*) "Degree College" means an affiliated college which is authorized to submit its students to an examination qualifiying for any degree of the University ;

(*4*) "High School" means a high school which has been recognized as a full-fledged high school by the Director of Public Instruction, Bombay Province, or by an officer authorized by him in this behalf, or a high school situate outside the Province of Bombay which has been registered by the University ;

(*5*) "Hostel" means a unit of residence for students maintained or recognized by the University under this Act ;

(*6*) Intermediate college" means an affiliated college other than a degree college ;

(*7*) "Principal" means the head of a college ;

(*8*) "Recognized institution" means an institution for research or specialized studies other than an affiliated college and recognized as such by the University;

(*9*) "Registered graduate" means a graduate registered under the provisions of this Act ;

(*10*) "Secondary Teachers" means such class of teachers imparting instruction in High Schools as may be declared to be Secondary teachers by the Statutes ;

(*11*) "Statutes", "Ordinances" and "Regulations" mean respectively the statutes, ordinances and Regulations of the University made under this Act

(*12*) "Teachers" means professors, readers, lecturers and such other persons imparting instruction in the University, an affiliated college or a recognized institution as may be declared to be teachers by the Statutes;

(*13*) "Teachers of the University" means teachers appointed or recognized by the University for imparting instruction on its behalf;

(*14*) "University" means the Karnatak University constituted under this Act;

(*15*) "University Area" means the areas specified in the Schedule;

(*16*) "University Department" means any post-graduate or research institution or department maintained by the University.

CHAPTER II

THE UNIVERSITY.

Incorporation of the University.

3. (*1*) The Chancellor, the first Vice-Chancellor of the University and the first members of the Senate, the Syndicate and the Academic Council of the University and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "The Karnatak University".

(*2*) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(*3*) The University shall be competent to acquire and hold property, both moveable and immovable, to lease, sell or otherwise transfer any moveable or immovable property which may have become vested in or been acquired by it for the purposes of the University and to contract and to do all other things necessary for the purposes of this Act.

Powers of the University.

4. Subject to such conditions as may be prescribed by or under the provisions of this Act, the University shall have the following powers, namely :—

(*1*) to provide for instruction, teaching and training in such branches of learning and courses of study as it may think fit and to make provision for research and dissemination of knowledge;

(*2*) to make such provision as will enable affiliated colleges and recognized institutions to undertake specialization of studies;

(*3*) to establish, maintain and manage departments and institutes of research or specialized studies;

(*4*) to institute professorships, readerships, lecturerships and any other posts of teachers required by the University;

(*5*) to appoint or recognize persons as professors, readers or lecturers or otherwise as teachers of the University;

(*6*) to lay down the courses of instruction for various examinations;

(*7*) to guide the teaching in colleges or recognized institutions;

(*8*) to institute degrees, titles, diplomas and other academic distinctions;

Ordinances.

29. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Syndicate may make Ordinances to provide for all or any of the following matters :—

(*i*) conditions under which students shall be admitted to courses of studies for degrees, titles, diplomas and other academic distinctions ;

(*ii*) conditions of residence, conduct and discipline of students of the University ;

(*iii*) conditions governing the appointment and the duties of examiners ;

(*iv*) conduct of examinations ;

(*v*) recognition of hostels ;

(*vi*) recognition of teachers of the University ;

(*vii*) inspection of affiliated colleges, recognized institutions and hostels ;

(*viii*) mode of execution of contracts or agreements for, or on behalf of, the University ;

(*ix*) rules to be observed and enforced by colleges and recognized institutions in respect of transfer of students ;

(*x*) all matters which by this Act or the Statutes are to be or may be provided for by the Ordinances ; and

(*xi*) generally all matters for which provision is, in the opinion of the Syndicate, necessary for the exercise of the powers conferred or the performance of the duties imposed upon the Syndicate by this Act or the Statutes.

Making of Ordinances.

30. (*1*) Ordinances shall be made by the Syndicate :

Provided that no Ordinance concerning the matters referred to in clauses (*i*), (*iii*), (*iv*) and (*vi*) of section 29 or any other matter connected with the maintenance of the standards of teaching and examinations within the university shall be made unless a draft of the same has been proposed by the Academic Council.

(*2*) The Syndicate shall not have power to amend any draft proposed by the Academic Council under sub-section (*1*) but may reject it or return it to the Academic Council for reconsideration, either in whole or in part, together with any amendments which the Syndicate may suggest.

(*3*) All Ordinances made by the Syndicate shall, except as provided by this Act, have effect from such date as it may direct but every Ordinance so made shall be laid before the Senate and shall be considered by the Senate at its next succeeding meeting.

(*4*) The Senate shall have power by a resolution to cancel or to refer back but not to amend any such Ordinance. The resolution shall be passed by a majority of not less than two thirds of the members present at such meeting, the majority comprising not less than one-half of the members of the Senate.

(*5*) The Vice-Chancellor shall, on the application of not less than fifty members of the Senate, suspend the operation of any such Ordinance until the Senate has considered it as provided in sub-section (*3*).

Regulations and Rules.

31. (*1*) The Academic Council may, subject to the approval of the Syndicate, make regulations, consistent with this Act, the Statutes and the Ordinances providing for all matters which by this Act, the Statutes or the Ordinances are to be provided for by Regulations and for all other matters solely concerning itself.

(*2*) Any authority of the University specified in clauses (*iv*) to [1][(*vii*)] of section 14 and any other Board of the University may, subject to the approval of the Syndicate make rules, consistent with this Act, the Statutes, Ordinances and Regulations, providing for all matters solely concerning such authority or Board.

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[1] These brackets and figure were substituted for the brackets and figure "(*vi*)" by Bom. 53 of 1949 s. 3, Second Schedule.

CHAPTER VI.

AFFILIATION AND RECOGNITION.

Affiliation.

32. (*1*) A college applying for affiliation to the University shall send a letter of application to the Registrar, and shall satisfy the Syndicate and the Academic Council—

(*a*) that the college will supply a need in the locality, having regard to the type of education intended to be provided by the college, the existing provision for the same type of education made by other colleges in the neighbourhood, and the suitability of the locality where the college is to be established ;

(*b*) that the college is to be under the management of a regularly constituted governing body ;

(*c*) that the strength and qualifications of the teaching staff and the conditions governing their tenure of office are such as to make due provision for the courses of instruction, teaching or training to be undertaken by the college ;

(*d*) that the buildings in which the college is to be located are suitable, and that provision will be made, in conformity with the Ordinances, for the residence in the college or in lodgings approved by the college, of students not residing with their parents or guardians, and for the supervision and welfare of students ;

(*e*) that due provision has been made or will be made for a library ;

(*f*) where affiliation is sought in any branch of experimental science, that arrangements have been or will be made in conformity with the Statutes, Ordinances and Regulations for imparting instruction in that branch of science in a properly equipped laboratory or museum ;

(*g*) that due provision will, as far as circumstances may permit, be made for the residence of the Principal and some members of the teaching staff in or near the college or the place provided for the residence of students ;

(*h*) that the financial resources of the college are such as to make due provision for its continued maintenance and efficient working ; and

(*i*) that the college rules fixing the fees (if any) to be paid by the students have not been so framed as to involve such competition with any existing college in the same neighbourhood as would be injurious to the interests of education.

The application shall further contain an assurance that after the college is affiliated, any transference of management and all changes in the teaching staff and all other changes which result in any of the aforesaid requirements not being fulfilled or continued to be fulfilled shall be forthwith reported to the Syndicate.

(*2*) On receipt of a letter of application under sub-section (*1*) the Syndicate shall—

(*a*) direct a local inquiry to be made by a competent person or persons authorized by the Syndicate in this behalf in respect of the matters referred to in sub-section (*1*) and such other matters as may be deemed necessary and relevant ;

(*b*) make such further inquiry as may appear to it to be necessary ; and

(*c*) record its opinion after consulting the Academic Council on the question whether the application should be granted or refused, either in whole or in part, stating the results of any inquiry under clauses (*a*) and (*b*).

(*3*) The Registrar shall submit the application and all proceedings, if any, of the Academic Council and the Syndicate relating thereto to the Provincial Government which, after such inquiry as may appear to it to be necessary, shall grant or refuse the application or any part thereof.

66. (*1*) At any time after the passing of this Act until such time as the authorities of the University shall commence to exercise their functions— **First appointment of the officers and teachers of the University.**

(*a*) any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the Chancellor,

(*b*) teachers of the University may be appointed by the Chancellor after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, the Director of Public Instruction and such other person or persons, if any, as the Chancellor thinks fit to associate with them.

(*2*) Any appointment made under sub-section (*1*) shall be for such period not exceeding three years and on such conditions as the appointing authority thinks fit :

Provided that no such appointment shall be made until financial provision has been made therefor.

67. The Vice-Chancellor appointed under section 63 shall have powers until the Syndicate commences to exercise its functions— **Extraordinary powers of the first Vice-Chancellor.**

(*a*) with the previous approval of the Chancellor to make additional statutes to provide for any matter not provided for by the first Statutes,

(*b*) to constitute provisional authorities and bodies and on their recommendations to make rules providing for the conduct of the work of the University,

(*c*) subject to the control of the Provincial Government to make such financial arrangements as may be necessary to enable this Act or any part thereof to be brought into force,

(*d*) with the sanction of the Chancellor to make for a period not exceeding three years such appointments as may be necessary to enable this Act or any part thereof to be brought into force.

(*e*) to appoint any Committee as he may think fit, to discharge such of his functions as he may direct, and

(*f*) generally to exercise all or any of the powers conferred on the Syndicate by or under the provisions of this Act.

68. If any difficulty arises as to the first constitution or re-constitution of any authority of the University after the coming into force of this Act or otherwise in first giving effect to the provisions of this Act, the Provincial Government, as occasion may require, may by order do anything which appears to it necessary for the purpose of removing the difficulty. **Removal by Provincial Government of difficulties at the commencement of the Act.**

SCHEDULE.

[*See* section 2 [1](*15*)]

1. Belgaum District.
2. Dharwar District.
3. Bijapur District.
4. Kanara District.

[1] The brackets and figure "(15)" were substituted for the brackets and figure "(14)" by Bom. 53 of 1949, s. 3, Second Schedule.

THE BOMBAY PROHIBITION ACT, 1949.

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BOMBAY ACT No. XXV OF 1949.[1]

[THE BOMBAY PROHIBITION ACT, 1949.]

[*20th May 1949*]

Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 28 of 1950.
,, ,, ,, 26 of 1952.
,, ,, ,, 18 of 1953.
,, ,, ,, 67 of 1953.
,, ,, ,, 21 of 1954.
,, ,, ,, 36 of 1954.
,, ,, ,, 64 of 1954.
,, ,, ,, 20 of 1955.

An Act to amend and consolidate the law relating to the promotion and enforcement of and carrying into effect the policy of Prohibition and also the Abkari law in the Province of Bombay.

WHEREAS it is expedient to amend and consolidate the law relating to the promotion and enforcement of and carrying into effect the policy of Prohibition ; and whereas it is also necessary to amend and consolidate the Abkari law in the Province of Bombay for the said purpose and to provide for certain other purposes hereinafter appearing ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be cited as the Bombay Prohibition Act, 1949.

(*2*) It extends to the whole of the [2][State] of Bombay.

(*3*) It shall come into force on such date as the [3][State] Government may, by notification in the *Official Gazette*, specify.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "authorization" means an authorization granted under section 45 for the use of liquor for sacramental purposes ;

(*2*) "to bottle", with its various grammatical variations, means to transfer any article from a cask or other vessel to a bottle, jar, flask, pot or similar receptacle for the purpose of sale, whether any process of manufacture be employed or not ; bottling includes re-bottling ;

(*3*) "coasting steamer licence" means a licence granted under section 37 ;

(*4*) "Collector" means a Collector of land revenue or any person appointed to exercise all or any of the powers or to perform all or any of the duties of a Collector under this Act ;

[4][(*5*) "Director" means an officer appointed as the Director of Excise and Prohibition under section 3 ;]

(*6*) "committee" means any of the committees appointed by the [3][State] Government under section 7 ;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1948, Part V, page 655.
[2] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.
[3] This word was substituted for the word "Provincial", *ibid.*
[4] Clause (5) was substituted for the original by Bom. 28 of 1950, Sch.

(*7*) "common drinking house" means a place where the drinking of liquor or consumption of any intoxicating drug is allowed for the profit or gain of the person owning, occupying, using, keeping or having the care or management or control of such place whether by way of charge for the use of the place or for drinking facilities provided, or otherwise howsoever and includes the premises of a club or any other place which is habitually used for the purpose of drinking liquor or consuming any intoxicating drug by more than one person without a licence granted under this Act ;

(*8*) "country liquor" includes all liquor produced or manufactured in India ;

(*9*) "cultivation" includes the tending or protecting of a plant during growth and does not necessarily imply raising it from seed ;

(*10*) "denatured" means subjected to a process prescribed for the purpose of rendering unfit for human consumption ;

[1][(*10a*) "denatured spirituous preparation" means any preparation made with denatured spirit or alcohol and includes lacquers, French polish, and varnish prepared out of such spirit or alcohol ;]

(*11*) "dining car licence" means a licence granted under section 37 ;

(*12*) "to drink" with its grammatical variations, means to drink liquor or to consume any intoxicating drug ;

(*13*) "excisable article" means—

(*a*) any alcoholic liquor for human consumption,

(*b*) an intoxicating drug,

(*c*) opium,

(*d*) any medicinal or toilet preparation containing alcohol,

(*e*) other narcotic drugs, narcotics and non-narcotic drugs which the [2][State] Government may, by notification in the *Official Gazette*, declare to be an excisable article ;

(*14*) "excise duty" and "countervailing duty" means such excise duty or countervailing duty, as the case may be, as is mentioned in [3][entry 51 in list II in the Seventh Schedule to the Constitution] ;

(*15*) "excise revenue" means revenue derived or derivable from any duty, fee, tax, fine (other than a fine imposed by a court of law) or confiscation or forfeiture imposed or ordered under the provisions of this Act, or of any other law for the time being in force relating to intoxicants ;

(*16*) "export" (except in section 147) means to take out of the [4][State] otherwise than across a customs frontier [5]* * * * ;

(*17*) "foreign liquor" includes all liquor brought into India by sea, air or land :

Provided that the [2][State] Government may, by notification in the *Official Gazette*, declare that any specified description of country liquor shall, for the purposes of this Act, be deemed to be foreign liquor ;

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[1] Clause (*10a*) was inserted by Bom. 36 of 1954, s. 2.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3] This portion was substituted for the portion "Item 40 in List II in the Seventh Schedule to the Government of India Act, 1935", *ibid.*

[4] This word was substituted for the word "Province", *ibid.*

[5] The words "as defined by the Dominion Government" were deleted by Bom. 26 of 1952, s. 2(*1*).

(*24*) "liquor" includes—

(*a*) spirits of wine, [1][denatured spirits] wine, beer, toddy and all liquids consisting of or containing alcohol ; and

(*b*) any other intoxicating substance which the [2][State] Government may, by notification in the *Official Gazette*, declare to be liquor for the purposes of this Act ;

(*25*) "manufacture" includes—

(*a*) every process whether natural or artificial by which any liquor or intoxicating drug is produced, prepared or blended and also redistillation and every process for the rectification of liquor, but does not include flavouring, blending or colouring of liquor or intoxicating drug lawfully possessed for private consumption ; and

(*b*) every process of producing and drawing of toddy from trees ;

(*26*) "Medical Board" means a board constituted under section 8 ;

(*27*) "mhowra flower" does not include the berry or seed of the mhowra tree ;

(*28*) "molasses" means the heavy, dark coloured residual syrup drained away in the final stage of the manufacture of gur or sugar containing, in solution or suspension, sugars which can be fermented, and includes any product formed by the addition to such syrup of any ingredient which does not substantially alter the character of such syrup ; but does not include any article which the [2][State] Government may, by notification in the *Official Gazette*, declare not to be molasses, for the purposes of this Act ;

(*29*) "Officer in charge of a Police Station" includes—

Bom. IV of 1902. V of 1898.

(*a*) in the Greater Bombay, the officer in charge of a police section as provided under the provisions of the City of Bombay Police Act, 1902, and

(*b*) elsewhere the officer in charge of a police station as defined in the Code of Criminal Procedure, 1898 ;

(*30*) "opium" means—

(*a*) the capsules of the poppy (Papaver Somniforum L) ;

(*b*) the spontaneously coagulated juice of such capsules which has not been submitted to any manipulations other than those necessary for packing and transport ; and

(*c*) any mixture with or without neutral materials of any of the above forms of opium ;

but does not include any preparations containing not more than 0·2 per cent. of morphine, or a manufactured drug as defined in section 2 of the Dangerous Drugs Act, 1930 ;

II of 1930.

(*31*) "passenger ship licence" means a licence granted under section 38 ;

(*32*) "permit" means a permit granted under [3][the provisions of this Act] and the expression "permit holder" shall be construed accordingly ;

Bom. IV of 1902. V of 1898.

(*33*) "police station" means in the Greater Bombay a police section as provided under the provisions of the City of Bombay Police Act, 1902, and elsewhere any place declared to be a police station for the purposes of the Code of Criminal Procedure, 1898 ;

(*34*) "prescribed" means prescribed by the rules, orders or regulations under this Act ;

(*35*) "Prohibition officer" includes the [4][Director], Collector or any officer or person appointed to exercise any of the powers or to perform any of the duties and functions under the provisions of this Act and also includes any member of a committee or the Medical Board ;

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[1] These words were substituted for the words "methylated spirits" by Bom. 26 of 1952, s. 2(*2*).
[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[3] These words were substituted for the words and figures "section 40, 41, 46 or 47" by Bom. 26 of 1952 s. 2(*4*).
[4] This word was substituted for the word "Commissioner" by Bom. 28 of 1950, Sch.

(*36*) "[1][State]" means the [1][State] of Bombay including the space within the limits of its territorial waters ;

(*37*) "rectification" includes every process whereby spirits are purified or are coloured or flavoured by mixing any material therewith ;

(*38*) "Registered Medical Officer" means—

(*a*) a medical practitioner registered under the Bombay Medical Act, 1912, or

(*b*) a medical practitioner registered or entered on the list under the Bombay Medical Practitioners' Act, 1938 ; Bom. VI of 1912. Bom. XXVI of 1938.

(*39*) "regulations" means regulations made under this Act ;

(*40*) "rules" means rules made under this Act ;

(*41*) "sell" with its grammatical variations includes—

(*a*) any transfer whether such transfer is for any consideration or not,

(*b*) any supply or distribution for mutual accommodation, and

(*c*) any supply by a club to its members on payment of price or of any fees or subscription, but does not include selling of opium for export across the customs frontier [2] * * * * ;

The word "buy" with its grammatical variations shall be construed accordingly ;

(*42*) "special import licence" means a licence granted under section 36 ;

(*43*) "spirit" means any liquor containing alcohol and obtained by distillation (whether it is denatured or not) ;

(*44*) "sweet toddy or nira or neera" means unfermented juice drawn from a cocoanut, brab, date or any kind of palm tree into receptacles treated in the prescribed manner so as to prevent fermentation ;

(*45*) "territorial waters" with reference to the [1][State] means any part of the open sea within one marine league of the coast measured from the low water mark ;

(*46*) "toddy" means fermented or unfermented juice drawn from a cocoanut, brab, date or any kind of palm tree and includes sweet toddy or nira or neera ;

(*47*) "to tap" means to prepare any part of a tree, or to use any means, for the purpose of causing juice to exude from the tree ;

[3][(*47-A*) 'tourist' means a person who is not a citizen of India and who is either born or brought up or domiciled in any country outside India, but who visits India on a tour for a temporary period ;

(*47-B*) 'tourist's permit' means a permit granted under section 46-A ;]

(*48*) "trade and import licence" means a licence granted under section 33 ;

(*49*) "transport" means to move from one place to another within the [1][State] ;

(*50*) "vendor's licence" means a licence granted under section 34 ;

(*51*) "visitor's permit" means a permit granted under section 46.

CHAPTER II.

ESTABLISHMENT.

[5][Director of Excise and Prohibition.]

3. The [4][State] Government may, by notification in the *Official Gazette*, appoint an officer to be called the [5][Director of Excise and Prohibition], who, subject to the control of the [4][State] Government and subject to such general or special orders as the [4][State] Government may from time to time make, shall exercise such powers and shall perform such duties and such functions as are conferred upon, by or unde the provisions of this Act and shall superintend the administration and carry out generally the provisions of this Act :

[1] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

[2] The words "as deemed by the Dominion Government" were deleted by Bom. 26 of 1952, s. 2(*1*).

[3] These clauses were inserted by Bom. 20 of 1955, s. 2.

[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[5] These words were substituted for the words "Prohibition Commissioner" by Bom. 28 of 1950, Schedule.

[1][43. (*1*) No holder of a permit granted under any of the provisions of this Act other than section 40B shall drink in a public place or in the rooms of a hotel or institution to which the public may have access. Regulation of use or consumption of foreign liquor by certain permit holders.

(*2*) No holder of a permit granted under section 40A shall allow the use or consumption of any part of the quantity held by him to any other person.

(*3*) No holder of a permit granted under section 40, 41, 46 [2][, 46-A] or 47 shall allow the use or consumption of any part of the quantity held by him under the permit to any other person who is not the holder of any such permit.]

44. (*1*) The [3][State] Government may, by rules or an order in writing, [4][grant or authorize an officer to grant] licences to a club approved by the [3][State] Government in this behalf to sell foreign liquor. Licence clubs.

(*2*) Such licences shall be granted on the following conditions :—

(*a*) that the number of the resident members of the club does not exceed the maximum number of resident membership of such club during the three years immediately before the commencement of this Act :

Provided that the [5][Director] in Greater Bombay and the Collector elsewhere may, subject to the general or special orders of the [3][State] Government, permit such maximum number of resident members to be exceeded in the case of any particular club ;

(*b*) that no liquor shall be served to the holder of any permit in any room of the club to which the public have access at the time when any person who does not hold such permit is present ;

(*c*) that the club when authorized by any member who is the holder of a permit may stock the permitted quantity of liquor on account of such member ; and

(*d*) that liquor stocked on behalf of a member who is the holder of a permit may be served to any person who is the holder of a permit.

Explanation.—For the purposes of this section a resident member of a club shall mean a member who ordinarily resides in the case of a club situated in Greater Bombay within the limits of the said area and elsewhere within the limits of a local authority in which the club is situated.

45. (*1*) The [3][State] Government may, by rules or an order in writing, authorize an officer to grant any authorization to any person for the use of liquor for sacramental purposes : Authorization for sacramental purposes.

Provided that the officer so authorized is satisfied that the use of such liquor is required in accordance with the religious tenets of the community to which such person belongs.

(*2*) An authorization under this section shall be granted on the recommendation of the person who consistently with the religious tenets of the community to which the persons applying for the authorization belongs exercises control over sacramental matters relating to such community and has been approved by the [3][State] Government in that behalf.

(*3*) If in any community there is no person who exercises control over sacramental matters relating to such community and if in the opinion of the [3][State] Government it is so desirable, the authorization under this section may be granted on the recommendation of such member of the community as may be approved by the [3][State] Government in this behalf.

(*4*) If any dispute arises whether the use of liquor is required by any person for sacramental purpose, the person requiring such use may apply to the [5][Director].

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[1] Section 43 was substituted for the original by Bom. 26 of 1952, s. 20.
[2] These figures and letter were inserted by Bom. 20 of 1955, s. 3.
[3] This was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[4] These words were substituted for the words "authorize or grant" by Bom 26 of 1952, s. 21.
[5] This word was substituted for the word "Commissioner" by Bom. 28 of 1950, Sch.

The [1][Director] after holding a summary inquiry in the prescribed manner shall decide whether or not the liquor is required by the person for sacramental purposes.

(*5*) The decision of the [1][Director] under sub-section (*4*) shall be final.

Visitors' permits.

46. (*1*) The [2][State] Government may, by rules or an order in writing authorize an officer to grant visitors' permits to consume, use and buy foreign liquor to persons who visit the [3][State] for a period not more than a week.

(*2*) Such permits shall not be granted for a period exceeding one week, provided that the officer granting the permit may extend the period of such permits for the total period not exceeding one month.

(*3*) Such permit shall be available at such places as may be notified by the [1][Director] in this behalf.

Tourists' permits.

[4][**46-A.** (*1*) The State Government may, by rules or an order in writing authorize an officer to grant tourists' permits to consume, use and buy foreign liquor to a person who is a tourist.

(*2*) A tourist's permit may be granted for the period of the tourist's intended stay in the State, but shall in no case be granted for a period exceeding one month.

(*3*) Such permits shall be available at such places as may be notified by the Director in this behalf.]

Interim permits.

47. (*1*) Notwithstanding anything contained in sections [5][40, 40A and 41], the [2][State] Government may, by rules or an order in writing, [6][authorize an officer to] grant interim permits to persons applying for permits under any of the said provisions.

(*2*) Such interim permits shall not be granted for any period exceeding two months.

[9][Licence for consumption or use of intoxicating drugs.]

48. (*1*) The [2][State] Government may by rules or an order in writing authorize an officer to grant licences for the [7][consumption or use] of [8][intoxicating drugs] in such quantities as may be prescribed.

(*2*) Such licences shall be granted on the certificate of the Medical Board.

Power to make rules or pass orders for possession, etc., of opium.

49. The [2][State] Government may from time to time make rules or pass orders to permit absolutely or subject to any conditions or the payment of duty and to regulate within the whole of the [3][State] or any local area all or any of the following matters :—

(*a*) the possession of opium,

(*b*) the use or consumption of opium,

(*c*) the transport of opium,

(*d*) the import or export of opium,

(*e*) the sale or buying of opium,

(*f*) the safe custody of opium warehoused, the levying of fees for warehousing opium and the removal of warehoused opium for sale.

Warehousing of opium.

50. (*1*) The [2][State] Government or any officer authorized in this behalf may declare any place to be a warehouse for opium intended to be sold or exported therefrom. So long as the declaration remains in force, the owner of such article shall be bound to deposit it in that warehouse.

(*2*) No opium shall be removed from any warehouse declared under sub-section (*1*), except under a pass and unless the duty, if any, imposed under the provisions of this Act has been paid or a bond has been executed for the payment thereof.

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[1] This word was substituted for the word "Commissioner" by Bom. 28 of 1950, Sch.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3] This word was substituted for the word "Province", *ibid.*

[4] Section 46A was inserted by Bom. 20 of 1955, s. 4.

[5] These figures, letter and word were substituted for the figures and word "40 and 41" by Bom. 26 of 1952, s. 22 (*1*).

[6] These words were inserted *ibid*, s. 22 (*2*).

[7] These words were substituted for the word "sale" *ibid.*, s. 23 (*1*).

[8] These words were substituted for the words "hemp drugs", *ibid.*

[9] This marginal note was substituted for the original *ibid.*, s. 23 (*2*).

or authorization, the [1][Director] may also direct that any stock of any intoxicant, hemp or mhowra flowers remaining with the holder of the licence, permit, pass or authorization together with receptacles or packages thereof be forfeited to [2][the State Government].

(*3*) If the articles which are forfeited under sub-section (*2*) are sold, the [1][Director] may, if he thinks fit, order the whole or any portion of the sale proceeds of such articles to be paid to the owner thereof.

[3][CHAPTER IV-A.

CONTROL AND REGULATION OF [4][ARTICLES MENTIONED IN SECTION 24A] TO PREVENT THEIR USE AS INTOXICATING LIQUOR.

59A. (*1*) No manufacturer of any of the articles mentioned in section 24A shall sell, use or dispose of any liquor purchased or possessed for the purposes of such manufacture under the provisions of this Act otherwise than as an ingredient of the articles authorized to be manufactured therefrom. No more alcohol shall be used in the manufacture of any of the articles mentioned in section 24A than the quantity necessary for extraction or solution of the elements contained therein and for the preservation of the article: [6][Manufacture of articles mentioned in section 24A.

Provided that in the case of manufacture of any of the articles mentioned in section 24A in which the alcohol is generated by a process of fermentation the amount of such alcohol shall not exceed 12 per cent.

(*2*) No person shall—

(*a*) knowingly sell any [5][article mentioned in section 24A] for being used as an intoxicating drink, or

(*b*) sell any such article under circumstances from which he might reasonably deduce the intention of the purchaser to use them for such purpose.

59B. [8][(*1*)] Whenever the Director has reason to believe that any of the articles mentioned in section 24A does not correspond with the description and limitations provided in section 59A, he shall cause an analysis of the said articles to be made and if upon such analysis the Director shall find that the said article does not so correspond, he shall give not less than 15 days' notice, in writing to the person who is the manufacturer thereof or is known or believed to have imported such article to show cause why the said article should not be dealt with as an intoxicating liquor, such notice to be served personally or by registered post, as the Director may determine, and shall specify the time when, place where, and the name of the officer before whom such person is required to appear.] [7][Analysis of articles mentioned in section 24A.]

[9][(*2*) Whenever the Director causes an analysis of an article mentioned in section 24-A to be made under sub-section (*1*), he may require the person who is the manufacturer thereof or who is known or believed to have imported such article not to sell, distribute or otherwise deal with such article, or to remove it from any place without the previous permission of the Director, for any period not exceeding three months from the date of such requisition or till the result of the analysis is known and communicated to him, whichever is earlier; and thereupon such manufacturer or person shall comply with such requisition during the said period.]

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[1] This word was substituted for the word "Commissioner" by Bom. 28 of 1950, Sch.
[2] These words were substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950.
[3] Chapter IV-A was inserted by Bom. 26 of 1952, s. 27.
[4] These words were substituted for the original by Bom. 36 of 1954, s. 7.
[5] These words were substituted for the original *ibid.*, s. 8 (*i*).
[6] This marginal note was substituted for the original, *ibid.*, s. 8 (*ii*).
[7] This marginal note was substituted for the original, *ibid.*, s. 9.
[8] Section 59B was renumbered as sub-section (*1*) of that section by Bom. 20 of 1955, s. 5.
[9] This sub-section was added, *ibid.*

CHAPTER V.

MHOWRA FLOWERS.

Prohibition of export or import of mhowra flowers.

60. (*1*) No person shall export or import mhowra flowers except under a pass granted by the Collector or an officer authorized in this behalf.

Control and regulation of transport, sale, etc. of mhowra flowers.

(*2*) [1][No person or head of household on his behalf or on behalf of the members of his household shall in the aggregate] collect or transport or sell or buy or have in his possession mhowra flowers exceeding the prescribed limit in weight, except under the authority and subject to the conditions of a licence, permit or pass granted [2][by the Collector or an officer authorized] in this behalf:

Provided that no licence, permit or pass shall be necessary for the collection, transport, sale, purchase or possession within such area and during such period (hereinafter called vacation period) as the [3][State] Government may, by notification in the *Official Gazette*, notify, of any quantity of mhowra flowers which shall be the produce of that year [4][and of that area]:

Provided further that unless the [3][State] Government by a notification in the *Official Gazette*, otherwise directs, no licence, permit or pass shall be necessary for the transport by rail of any quantity of mhowra flowers through an area which has no vacation period or the vacation period for which has expired at the time when the transport takes place, provided that—

(*i*) the said flowers are not unloaded in transit, and

(*ii*) there is a vacation period at the place from which and to which the said flowers are transported at the time when the said flowers are despatched or arrive, as the case may be.

[5][*Explanation.*—For the purpose of this sub-section, a household shall mean a group of persons residing and messing jointly as members of one domestic unit.]

CHAPTER VI.

CONTROL AND REGULATION OF MOLASSES.

Control of export, etc., of molasses.

61. (*1*) Except as otherwise provided in sub-sections (*2*) and (*3*) no person shall export, import, transport, sell or have in his possession any quantity of molasses.

(*2*) The [3][State] Government may, by general or special order, authorize any Collector [6][or any other officer] to grant licences for the import, export, sale or possession of molasses.

(*3*) The [3][State] Government may also authorize any Collector or any other officer to grant permits for the transport of molasses.

Provisions of sections 53 to 59 to apply to licences granted under section 61.

62. The provisions of sections 53 to 59 shall, so far as may be applicable, apply to licences or permits granted under section 61.

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[1] These words were substituted for the words "No person shall", by Bom. 26 of 1952, s. 28 (*1*).
[2] These words were inserted *ibid.*, s. 28 (*2*).
[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[4] These words were added by Bom. 26 of 1952, s. 28 (*3*).
[5] This Explanation was added *ibid.*, s. 28 (*4*).
[6] These words were inserted, *ibid.*, s. 29.

[1]**67A.** (*1*) Whoever in contravention of the provisions of section 59A,— Penalty for manufacturing [7]articles mentioned in section 24A] in contravention of the provisions of section 59A.

(*a*) sells, uses or disposes of any liquor otherwise than as an ingredient of any [2]article mentioned in section 24A], or

(*b*) uses more alcohol in the manufacture of such [3]article] which may be used as intoxicating liquor than the quantity necessary for extraction or solution of the elements contained therein and for the preservation of such [3]article], or

(*c*) knowingly sells [4]any such article] for being used as an intoxicating drink, or sells any such article under circumstances from which he might reasonably deduce the intention of the purchaser to use them for such purpose,

shall, on conviction be punished with imprisonment for a term which may extend to one year or with fine or with both.

(*2*) No person who has been convicted for any offence under this section or has paid any sum of money under section 104 for such offence shall be entitled to manufacture, import or to sell any [5]article mentioned in section 24A] for a period of one year from the date of such conviction or payment, and any person who imports, manufactures or sells any [6]such article] in contravention of this sub-section shall be liable to the same punishment as is provided for an offence punishable under section 65.

67B. [8][(*1*)] If the manufacturer of any of the articles mentioned in section 24A fails to show to the satisfaction of the Director that the article corresponds to the description and limitations provided in section 59A, his licence for the purchase, use or possession of liquor or alcohol for the manufacture of such article shall be revoked.] [10][Penalty for failure to satisfy the Director under sub-section (*1*) or to comply with a requisition under sub-section (*2*) of section 59-B.]

[9][(*2*) Any person who fails to comply with any requisition made by the Director under sub-section (*2*) of section 59-B shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.]

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[1] Sections 67A and 67B were inserted by Bom. 26 of 1952, s. 31.
[2] These words were substituted for the words " medicinal or toilet preparation " by Bom. 36 of 1954, s. 11 (*i*) (*a*).
[3] This word was substituted for the word " preparation " *ibid.*, s. 11 (*i*) (*b*).
[4] These words were substituted for the original *ibid.*, s. 11 (*i*) (*c*).
[5] These words were substituted for the original *ibid.*, s. 11 (2) (*a*).
[6] These words were substituted for the words " such preparation " *ibid.*, s. 11 (*2*) (*b*).
[7] These words were substituted for the words " medicinal or toilet preparations ", *ibid.*, s. 11 (*iii*).
[8] Section 67B was renumbered as sub-section (*1*) of that section by Bom. 20 of 1955, s. 6 (*1*).
[9] This sub-section was added, *ibid.*
[10] This was substituted for the original, *ibid.*, s. 6 (*2*).

(*2*) Any person who commits any such breach shall, whether he acts with or without the permission of the holder of the licence, permit, pass or authorization be liable to the same punishment.

83. When two or more persons agree— **Penalty for conspiracy.**

(*a*) to commit or cause to be committed any offence under this Act, or

(*b*) [1]* * * to commit a breach of a condition of a licence, permit, pass or authorization,

each of such persons shall, on conviction, be punished with imprisonment for a period which may extend to two years or with fine which may extend to one thousand rupees or with both.

84. Whoever is found drunk or drinking in a common drinking house, or is found there present for the purpose of drinking, shall, on conviction, be punished with fine which may extend to five hundred rupees. Any person found in a common drinking house during any drinking therein shall be presumed, until the contrary is proved, to have been there for the purpose of drinking. **Penalty for being found drunk in any drinking house.**

85. [2][(*1*)] Whoever in any street or thoroughfare or public place or in any place to which the public have or are permitted to have access— **Penalty for being drunk and for disorderly behaviour.**

(*1*) is drunk and incapable of taking care of himself, or

(*2*) behaves in a disorderly manner under the influence of drink [3][or

(*3*) is found drunk but who is not the holder of a permit granted under the provisions of this Act or is not eligible to hold a permit under section 40, 41, [4][; 46 or 46A].

shall, on conviction, be punished,—

(*i*) for an offence under clause (*1*) [5][or clause (*3*)],—

(*a*) for a first offence, with imprisonment for a term which may extend to one month and with fine which may extend to two hundred rupees :

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such imprisonment shall not be less than seven days and fine shall not be less than twenty-five rupees ; and

(*b*) for a subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees :

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such imprisonment shall not be less than one month and fine shall not be less than one hundred rupees ; and

(*ii*) for an offence, under clause (*2*),—

(*a*) for a first offence, with imprisonment for a term which may extend to three months and with fine which may extend to five hundred rupees :

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such imprisonment shall not be less than one month and fine shall not be less than one hundred rupees : and

(*b*) for a subsequent offence, with imprisonment for a term which may extend to one year and with fine which may extend to one thousand rupees :

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such imprisonment shall not be less than six months and fine shall not be less than five hundred rupees.

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[1] The words "to defeat or frustrate the provisions of this Act, rule, regulation or order, or" were deleted by Bom. 26 of 1952, s. 37.

[2] Section 85 was renumbered as sub-section (*1*) of the said section, *ibid.*, s. 38.

[3] This portion was inserted, *ibid.*, s. 38(*1*).

[4] These figures, word and letter were substituted for the word and figures "or 46" by Bom. 20 of 1955, s. 7.

[5] These words, brackets and figures were inserted by Bom. 18 of 1953, s. 3 and Second Schedule.

[1][(2) In prosecution for an offence under sub-section (1), it shall be presumed until the contrary is proved that the person accused of the said offence has drunk liquor or consumed any other intoxicant for the purpose of being intoxicated and not for a medicinal purpose.]

Penalty for allowing any premises to be used for purpose of committing an offence under Act.

86. (1) Whoever, being the owner or occupier, or having the use or care or management or control of any place, knowingly permits it to be used for the purpose of the commission by any other person of any offence punishable under this Act, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both :

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, the imprisonment shall not be less than three months and fine shall not be less than five hundred rupees.

(2) It shall be presumed until the contrary is proved, that a person accused of an offence under sub-section (1) has committed such offence if the offence committed by that other person is proved to have been committed in the premises in his immediate possession.

Penalty for chemist, druggist or apothecary for allowing his premises to be used for purpose of consumption of liquor.

87. A chemist, druggist, apothecary or keeper of a dispensary who allows any liquor, which has not been *bona fide* medicated for medicinal purposes according to the prescription of a medical practitioner or any intoxicating drug to be consumed on his business premises by any person, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty for issuing false prescriptions.

88. If a medical practitioner issues a prescription with the intention that such prescription shall be used by the person to whom it is issued for the purpose of consuming liquor, intoxicating drug or opium in contravention of the provisions of this Act, or rule, regulation or order made thereunder or any licence, permit, pass or authorization granted under this Act, he shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

Penalty for maliciously giving false information.

89. Any person who maliciously and falsely gives information to any person exercising powers under this Act leading to a search, seizure, detention or arrest shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

Penalty for offences not otherwise provided for.

90. Whoever is guilty of any wilful act or intentional omission in contravention of the provisions of this Act, or any rule, regulation, or order thereunder or of any licence, permit, pass or authorization granted under this Act, and if such act or omission is not otherwise made an offence under this Act shall, on conviction, be punished with the imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Demand for security for abstaining from commission of certain offences.

91. (1) Whenever any person is convicted of an offence punishable under this Act, the court convicting such person, may, at the time of passing the sentence on such person, order him to execute a bond for a sum proportionate to his means with or without sureties to abstain from the commission of offences punishable under the provisions of this Act during such period not exceeding three years as it may direct.

[1] Sub-section (2) was added by Bom. 26 of 1952, s. 38 (2).

Provided that no such order shall be made before the expiry of one month from the date of seizure, or without hearing any person who can claim any right thereto and the evidence, if any, which he produces in support of his claim.

101. If the thing in question is liable to speedy and natural decay, or if the [1][Director], Collector, [2][Court] or the officer authorized by the [3][State] Government in this behalf is of opinion that the sale would be for the benefit of the owner, the [1][Director], Collector, [2][Court] or the officer may at any time direct it to be sold and the provisions of section 99 or 100 shall apply so far as may be to the net proceeds of the sale: Power of Collector etc. to order sale or destruction of articles liable to confiscation.

Provided that in the case of anything liable to speedy and natural decay the officer concerned may order it to be destroyed if in his opinion such order is expedient in the circumstances of the case.

102. (*1*) Where any newspaper, news-sheet, book, leaflet, booklet or other publication wherever printed or published appears to the [3][State] Government to contain any advertisement or matter [4]* soliciting the use of, or offering any intoxicant or hemp, the [3][State] Government may, by notification in the *Official Gazette*, declare every copy of such newspaper, news-sheet, book, leaflet, booklet or other publication whether printed or published in the [5][State] or outside to be forfeited to [6][the State Government], and thereupon any Police Officer may seize the same wherever found in the [5][State]. Any Magistrate may by warrant authorize any Police Officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such issue or any such newspaper, news-sheet, book, leaflet, booklet, or other publication may be or may be reasonably suspected to be. Every warrant issued under this section shall be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1898. Forfeiture of any publication containing advertisement or matter [7][soliciting] use of intoxicants.

V of 1898.

(*2*) The declaration of the [3][State] Government under this section shall be final and shall not be questioned in any Civil or Criminal Court.

103. (*1*) In prosecutions under any of the provisions of this Act, it shall be presumed without further evidence, until the contrary is proved, that the accused person has committed an offence under this Act in respect of any intoxicant, hemp, mhowra flowers or molasses or any still, untensil, implement or apparatus, whatsoever for the manufacture of any intoxicant as are ordinarily used in the manufacture of such intoxicant [8][or any materials which have undergone any process towards the manufacture of any intoxicant or from which an intoxicant has been manufactured,] for the possession of which he is unable to account satisfactorily. Presumption as to commission of offences in certain cases.

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[1] This word was substituted for the word "Commissioner" by Bom. 28 of 1950, Sch.
[2] This word was substituted for the word "Magistrate" by Bom. 21 of 1954, s. 3, Second Schedule.
[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[4] The word "commending" was deleted by Bom. 26 of 1952, s. 39.
[5] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.
[6] These words were substituted for the words "His Majesty," *ibid.*
[7] This word was substituted for the word "commending" by Bom. 26 of 1952, s. 39.
[8] These words were inserted by Bom. 20 of 1955, s. 8.

(2) In prosecutions under section 67 [1][or 67-1A] it shall be presumed without further evidence until the contrary is proved that the accused person has committed an offence under that section in respect of any denatured spirit [2][or denatured spirituous preparation] which has been or attempted to be altered in contravention of the provisions of section 21 [3][or 21A, as the case may be].

Report of certain registered medical officers as evidence.

[4][**103A.** Any document purporting to be a report under the hand of any registered medical officer in any hospital or dispensary maintained by the State Government or a local authority or any other registered medical officer authorised by the State Government in this behalf, in respect of any person examined by him, or upon any matter or thing duly submitted to him for examination or analysis and report, for the purposes of any prosecution under this Act, may be used as evidence in such prosecution:

Provided that the Court shall, at the request of the accused, summon the medical officer who made the report for the purpose of being cross-examined.]

Compounding of offences.

104. (1) The [5][State] Government may sanction the acceptance from any person whose licence, permit, pass or authorization is liable to be cancelled or suspended under the provisions of this Act or who is reasonably suspected of having committed an offence under section [6][69, 70, 77, 82 or] 108, of a sum of money in lieu of such cancellation or suspension or by way of composition for the offence which may have been committed, as the case may be; and in all cases in which any property other than the intoxicant, hemp, mhowra flowers or molasses has been seized as liable to confiscation under this Act may release the same on payment of the value thereof as estimated by the [5][State] Government or such officer as the [5][State] Government may authorize in this behalf:

Provided that where a person who is reasonably suspected of having committed an offence under section [6][69, 70 or] 108 is not the holder of a licence, permit, pass or authorization granted under this Act or a person in the employ of such holder or a person acting with his express or implied permission on his behalf, the sum of money which may be accepted from such person by way of composition shall not exceed five hundred rupees.

(2) On the payment by such person of such sum of money, or such value or both as the case may be, such person, if in custody, shall be set at liberty and the property seized may be released and if any proceedings shall have been instituted against such person in any Criminal Court, the composition shall be held to amount to an acquittal and in no case shall any further proceedings be taken against such person or property with reference to the same facts.

Bombay Probation of Offenders Act, 1938, and section 562 of Code of Criminal Procedure, 1898, not to apply to persons convicted of offence under this Act.

[7][**104A.** Nothing in the Bombay Probation of Offenders Act, 1938, or section 562 of the Code of Criminal Procedure, 1898, shall apply to any person convicted of any offence under this Act.] Bom. XIX of 1938. V of 1898.

[1] The word, figures and letter " or 67-1A " were inserted by Bom. 36 of 1954, s. 13(*i*).
[2] These words were inserted *ibid.*, s. 13(*ii*).
[3] These words, figures and letter were inserted *ibid.*, s. 13(*iii*).
[4] Section 103A was inserted by Bom. 64 of 1954, s. 2.
[5] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.
[6] These figures and word were inserted by Bom. 26 of 1952, s. 40 (1) & (2)
[7] Section 104A was inserted by Bom. 67 of 1953, s. 4.

THE BOMBAY MERGED AREAS (AMENDMENT OF LAWS) ACT, 1949.

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THE SCHEDULE.

BOMBAY ACT No. XXX OF 1949.[1]

[THE BOMBAY MERGED AREAS (AMENDMENT OF LAWS) ACT 1949.]

[*7th June 1949*]

Amended by Bom. 22 of 1950.

Adapted and modified by the Adaptation of Laws Order, 1950.

An Act to amend certain laws in their application to the areas merged in the Province of Bombay.

WHEREAS it is expedient to amend certain laws in their application to the areas merged in the Province of Bombay; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Merged Areas (Amendment of Laws) Act, 1949.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Merged areas" means the areas specified in [2][Parts I, II and III] of the Schedule which are included in the [3][State] of Bombay by the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1947, or the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1948, [4][or the Bombay (Enlargement of Area and Alteration of Boundries) (Amendment) Order, 1948] as the case may be;

(*2*) "Schedule" means the Schedule appended to this Act.

Amendment of Bombay Agricultural Debtors Relief Act, 1947, in its application to certain merged areas.

3. Notwithstanding anything contained in the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1947, the Bombay Agricultural Debtors Relief Act, 1947, shall, in its application to the merged areas specified in Part I of the Schedule, be subject to the following modifications, namely :—

Bom. XXVIII of 1947.

In the said Act,—

(*1*) in section 2,—

(*a*) in clause (2), "co-operative society" shall mean a society registered under any of the provisions corresponding to those contained in the Bombay Co-operative Societies Act, 1925, in force in any of the merged areas or a society registered under the said Act;

Bom. VII of 1925.

(*b*) in clause (5),—

(*i*) for the figures, letters and word "30th January 1940", wherever they occur, the figures, letters and word "1st January 1948" shall be substituted;

(*ii*) for the words "the date of the coming into operation of this Act or of the establishment of the Board concerned under the repealed Act" wherever they occur, the words, figures and letters "the 15th day of September 1948" shall be substituted;

(*2*) in section 4, for sub-section (*1*) the following sub-section shall be substituted, namely :—

"(*1*) Any debtor ordinarily residing in any local area or his creditor may make an application before the 30th September 1949 to the Court for the adjustment of his debts";

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Pt. V, page 57.

[2] The words and figures "Parts I, II and III" were substituted for the words and figures "Parts I and II" by Bom. 22 of 1950, s. 4 (*1*) (*a*).

[3] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

[4] This portion was inserted by Bom. 22 of 1950, s. 4 (*1*)(*b*).

(*3*) in section 7, for the figures, letters and word "1st January 1938" the figures, letters and word "1st January 1948" shall be substituted;

(*4*) in section 22, the following proviso shall be added at the end, namely :—

"Provided further that where any amount due to a creditor is determined by a competent tribunal or authority under any law in force in a merged area relating to the conciliation or adjustment of the debts of agriculturists corresponding to this Act, the amount so determined shall be binding on the parties;

(*5*) in section 23, in the proviso, after the figures "1879." the words "or any enactment corresponding thereto" shall be inserted;

(*6*) in section 24, in sub-section (*2*), for the figures, letters and word "1st August 1947" the figures, letters and word "30th September 1949" shall be substituted;

(*7*) in section 25,—

(*a*) in clause (*i*), the words and figure "or by a Board established under section 4 of the repealed Act" shall be deleted;

(*b*) in clause (*ii*) for the figures, letters and words "15th day of February 1939" the figures, letters and word "1st January 1948" shall be substituted;

(*8*) in section 32, in sub-section (*2*),—

(*a*) for clause (*c*), the following clause shall be substituted, namely :—

"(*c*) loans given by resource societies or by persons authorised to advance loans under section 54 for the financing of crops or for seasonal finance,";

(*b*) in the Explanation the words "under the repealed Act" and the words "under this Act" shall be deleted;

(*9*) in section 56, in sub-section (*1*),—

(*a*) for the words and figures "the Dekkhan Agriculturists' Relief Act, 1879, by the Bombay Agricultural Debtors Relief Act, 1939, the first mentioned Act" the words and figures "any enactment corresponding to the Dekkhan Agriculturists' Relief Act, 1879, in force in any of the merged areas, such enactment" shall be substituted; XVII of 1879. Bom. XXVIII of 1939. XVII of 1879.

(*b*) the words and brackets "with effect from the date of the coming into operation of this Act (hereafter in this section referred to as the said date)" shall be deleted;

(*c*) for the words "for a period of three years from the said date" the words, figures and letters "up to the 26th day of May 1950" shall be substituted;

(*d*) for the first proviso, the following proviso shall be substituted, namely :—

"Provided that any proceeding in or out of any suit instituted on or before the 26th May 1950 shall be continued and disposed of after the said date, as

XVII of 1879.

if the enactment corresponding to the Dekkhan Agriculturists' Relief Act, 1879, had continued in force after the said date ".

Bom. XXVIII of 1947.

Further amendments of Bombay Agricultural Debtors Relief Act, 1947, in its application to merged areas.

[1][3A. In the Bombay Agricultural Debtors Relief Act, 1947, as modified in its application to the merged areas specified in Parts II and III of the Schedule by Government Order in the Revenue Department No. 5771/45 (*a*), dated the 9th December 1948, the following amendments shall be made namely :—

(*i*) In sub-section (*1*) of section 4, for the words, letters and figures " before the 15th June 1949 ", the words, letters and figures " on or before the 15th June 1949 " shall be substituted.

(*ii*) in sub-section (*2*) of section 24, for the figures, letters and word " 15th June 1949 ", the figures, letters and word " 16th June 1949 " shall be substituted.]

Bom. XXVIII of 1947.

Amendment of Bombay Agricultural Debtors Relief Act, 1947, in its application to other merged areas.

4. The Bombay Agricultural Debtors Relief Act, 1947, shall, in its application to the merged areas specified in Part II of the Schedule, be subject to the following modifications, namely :—

In section 56 of the said Act, in sub-section (*1*),—

(*1*) for the words beginning with the words " On the expiry" and ending with the words " to have force ", the following shall be substituted, namely :—

" Notwithstanding the repeal of any enactment corresponding to the Dekkhan Agriculturists' Relief Act, 1879, in force in any of the merged areas, such enactment shall, in so far as it applies to transactions and proceedings to which this Act does not apply, be deemed to have been re-enacted and shall continue in force up to the 26th day of May 1950 :

XVII of 1879.

Provided that any proceeding in or out of any suit instituted on or before the 26th May 1950 shall be continued and disposed of after the said date, as if the enactment corresponding to the Dekkhan Agriculturists' Relief Act, 1879, had continued in force after the said date " ;

XVII of 1879.

(*2*) for the words " Provided that " the words " Provided also that " shall be substituted.

Bom. LXVII of 1948.

Amendment of Bombay Tenancy and Agricultural Lands Act, 1948, in its application to certain merged areas.

5. Notwithstanding anything contained in the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1947, the Bombay Tenancy and Agricultural Lands Act, 1948, shall, in its application to the merged areas specified in Part I of the Schedule, be subject to the following modifications, namely :—

In the said Act,—

(*1*) in section 2, in clause (*3*), " co-operative society " shall mean a society registered under any of the provisions corresponding to those contained in the Bombay Co-operative Societies Act, 1925, in force in any of the merged areas or a society registered under the said Act ;

Bom. VII of 1925.

(*2*) in column 4 of the Schedule appended to the said Act,—

(*a*) in section 3A of the Bombay Tenancy Act, 1939, referred to therein, for the words and figures " the eighth day of November 1947 " the words and figures " the nineteenth day of January 1949 " shall be substituted ;

(*b*) in the proviso to sub-section (*1*) of section 4 of the Bombay Tenancy Act, 1939, referred to therein,—

(*i*) reference to " section 9 of the Bombay Small Holders Relief Act, 1938 " shall be read as reference to " any enactment corresponding to section 9 of the Bombay Small Holders Relief Act, 1938, if any, in force in any of the merged areas ; "

Bom. VIII of 1938.

[1] Section 3A was inserted by Bom. 22 of 1950, s. 4 (*2*).

(*ii*) for the words and figures "the eighth day of November 1946" the words and figures "the nineteenth day of January 1948" shall be substituted;

(*c*) in sub-section (*2*) of section 4 of the Bombay Tenancy Act, 1939, referred to therein,—

(*i*) for the words and figures "the eighth day of November 1946" the words and figures "the nineteenth day of January 1948" shall be substituted;

(*ii*) in clause (*b*) (*i*) for the figures, letters and words "31st day of May 1947" the figures, letters and words "31st day of May 1949" shall be substituted;

(*iii*) in clause (*b*) (*ii*), for the figures, letters and words "1st day of June 1947" the figures, letters and words "1st day of June 1948" shall be substituted.

Amendment, of Bombay Tenancy and Agricultural Lands Act, 1948, in its application to other merged areas.

6. Notwithstanding anything contained in the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1948, the Bombay Tenancy and Agricultural Lands Act, 1948, shall, in its application to the merged areas specified in Part II of the Schedule, be subject to the following modifications, namely :— Bom. LXVII of 1948.

In the said Act,—

(*1*) in section 2, in clause (*3*), "co-operative society" shall mean a society registered under any of the provisions corresponding to those contained in the Bombay Co-operative Societies Act, 1925, in force in any of the merged areas or a society registered under the said Act; Bom. VII of 1925.

(*2*) in column 4 of the Schedule appended to the said Act,—

(*a*) in section 3A of the Bombay Tenancy Act, 1939, referred to therein, for the words and figures "the eighth day of November 1947" the words and figures "the tenth day of June 1949" shall be substituted;

(*b*) in the proviso to sub-section (*1*) of section 4 of the Bombay Tenancy Act, 1939, referred to therein,—

(*i*) reference to "section 9 of the Bombay Small Holders Relief Act, 1938", shall be read as reference to "any enactment corresponding to section 9 of the Bombay Small Holders Relief Act, 1938, if any, in force in any of the merged areas;" Bom. VIII of 1938.

(*ii*) for the words and figures "the eighth day of November 1946" the words and figures "the tenth day of June 1948" shall be substituted;

(*c*) in sub-section (*2*) of section 4 of the Bombay Tenancy Act, 1939, referred to therein,—

(*i*) for the words and figures "the eighth day of November 1946" the words and figures "the tenth day of June 1948" shall be substituted;

(*ii*) in clause (*b*) (*i*) for the figures, letters and words "31st day of May 1947" the figures, letters and words "31st day of May 1949" shall be substituted;

(*iii*) in clause (*b*) (*ii*). for the figures, letters and words "1st day of June 1947" the figures, letters and words "1st day of June 1949" shall be substituted.

Santhalpur Thana.

138. Dhokwada.
139. Rajusara.
140. Par.
141. Bakutra.
142. Mora Pati.
143. Nanda Pati.
144. Pipralia.
145. Sanva.
146. Barala.
147. Vahuva.
148. Dhadalia Padar.
149. Eval.
150. Jakhotra.
151. Charanka.
152. Chhanasara.
153. Madhutra.
154. Anternes (Jadeja).
155. Anternes (Rahumas).
156. Garmdi.
157. Adesar.
158. Varnosari.
159. Zazam.
160. Boru.
161. Kilana.
162. Dhrechana.
163. Chalanda.
164. Soneth.
165. Masali.
166. Limbuni.
167. Babra.

Varahi Thana.

168. Varahi.
169. Korda.
170. Gadha.
171. Unrot.
172. Zundada.
173. Jhekda.
174. Koliwada.
175. Daisar.
176. Daldi.
177. Bamroli.
178. Gokhantar.
179. Inderva Juna Vas.
180. Inderva Nava Vas.
181. Sadev.
182. Sidhada.
183. Chichodral.
184. Thanvad.
185. Lodra and Unnadi.
186. Saiyadpur.
187. Daigamda.
188. Uchosan.

Mahi Kantha Region.

189. Bhalusna.
190. Bolundra.
191. Dabha.
192. Dadhalia.
193. Dadhrota.
194. Derol.
195. Gabad.
196. Hadol.
197. Hapa.
198. Kadoli.
199. Khedwada.
200. Likhi.
201. Magodi.
202. Palaj.
203. Prempur.
204. Ramas.
205. Rupal.
206. Sathamba.
207. Satlasna.
208. Tajpuri.
209. Vadagam.
210. Vakhtapur.

Gadhwada Thana.

211. Mota Kothasna.
212. Umbri.
213. Nana Kothasna.
214. Timba.
215. Dedasan.
216. The Thakor of Undnils estate in the Hadol Taluka.
217. Nedardi.
218. Ambavada.
219. Vinchhi.
220. Chandap.
221. Gazipur.
222. Mohor.

Katosan Thana.

223. Maguna.
224. Deololi.
225. Rampura.
226. Tejpura.
227. Virsoda.
228. Kasalpura.
229. Ranipura.
230. Memadpura.
231. Ijpura (Jethajina).
232. Ijpura (Barotna).

[1][PART III.

BAWISHI THANA.

1. Amraji-na-Muada.
2. Harkhji-na-Muada.
3. Vatva.
4. Bardoli.
5. Harsoli.
6. Lawad.
7. Palundra.
8. Dabhoda.
9. Vedodra.
10. Siawada.
11. Salki.
12. Anguthla.
13. Rakhial.
14. Khanpur.
15. Lihoda.
16. Kalyanji-na-Muada.
17. Sahebji-na-Muada.
18. Kadjodra.
19. Sametri.
20. Barmuada.

VATRAK KANTHA THANA.

21. Nirmali.
22. Jehar.]

[1] Part III was added by Bom. 22 of 1950, s. 4 (*3*).

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ORGANIZATION WITHIN THE AHMEDABAD AREA AND FOR POST-GRADUATE TEACHING.

SECTIONS.

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40. Teaching within Ahmedabad Area.

41. Constituent Colleges and Institutions.

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43. Residence of students.

44. Degrees, titles, diplomas and other academic distinctions.

45. Honorary degree.

46. Removal from membership of University and withdrawal of degree or diploma.

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48. University Fund.

49. Annual accounts and financial estimates.

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52. Tribunal of Arbitration.

53. Pension, Insurance and Provident Fund.

SECTIONS.

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55. Vacating of office.

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57. Proceedings not invalidated by vacancies.

58. Disputes as to constitutions of University authority or body.

59. Protection of acts and orders.

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60. Completion of courses of students in Colleges affiliated to the Bombay University.

61. Appointment of first Vice-Chancellor.

61A. Appointment of first Rector.

62. Appointment of first Registrar.

63. Transitory powers of first Vice-Chancellor.

64. First appointment of the officers and teachers of the University.

65. Extraordinary powers of the first Vice-Chancellor.

66. Removal by State Government of difficulties at the commencement of the Act.

SCHEDULE.

BOMBAY ACT No. L OF 1949.[1]

[THE GUJARAT UNIVERSITY ACT, 1949.]

[*23rd November 1949*]

Amended by Bom. 19 of 1950.

Adapted and modified by the Adaptation of Laws Order, 1950.

An Act to establish and incorporate a teaching and affiliating University in the Province of Bombay to be known as the Gujarat University.

WHEREAS it is expedient to establish and incorporate a teaching and affiliating University in the Province of Bombay to be known as the Gujarat University as a measure in the decentralization and reorganization of university education in the Province of Bombay; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. (*1*) This Act may be called the Gujarat University Act, 1949.

(*2*) This section shall come into force at once.

(*3*) The [2][State] Government may, by notification in the *Official Gazette*, direct that all or any of the remaining provisions of this Act, shall come into force on such date or dates as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) " Affiliated " means affiliated under sections 5 and 33 ;

(*2*) " College " means a degree college or an intermediate college ;

(*3*) " Degree College " means an affiliated college which is authorized to submit its students to an examination qualifying for any degree of the University ;

(*4*) " High School " means a high school which has been recognized as a full-fledged high school by the Director of Public Instruction, Bombay [3][State], or by an officer authorized by him in this behalf, or a high school situate outside the [3][State] of Bombay which has been registered by the University ;

(*5*) " Hostel " means a unit of residence for students maintained or recognized by the University under this Act ;

(*6*) " Intermediate college " means an affiliated college other than a degree college ;

(*7*) " Principal " means the head of a college ;

(*8*) " Recognized institution " means an institution for research or specialized studies other than an affiliated college and recognized as such by the University ;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V, page 652.
[2] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.
[3] This word was substituted for the word " Province ", *ibid*.

(*9*) " Registered graduate " means a graduate registered under the provisions of this Act ;

(*10*) " Secondary Teachers " means such class of teachers imparting instruction in High Schools as may be declared to be secondary teachers by the Statutes ;

(*11*) " Statutes ", " Ordinances " and " Regulations " mean respectively the Statutes, Ordinances and Regulations of the University made under this Act and for the time being in force ;

(*12*) " Teachers " means professors, readers, lecturers and such other persons imparting instruction in the University, an affiliated college or a recognized institution as may be declared to be teachers by the Statutes ;

(*13*) " Teachers of the University " means teachers appointed or recognized by the University for imparting instruction on its behalf ;

(*14*) " University " means the Gujarat University constituted under this Act ;

(*15*) " University Area " means the areas specified in the Schedule ;

(*16*) " University Department " means any collegiate, post-graduate or research institution or department maintained by the University.

CHAPTER II.

THE UNIVERSITY.

Incorporation of the University.

3. (*1*) The Chancellor, the Vice-Chancellor of the University and the member of the Senate, the Syndicate and the Academic Council of the University and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of " The Gujarat University ".

(*2*) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(*3*) The University shall be competent to acquire and hold property, both moveable and immovable, to lease, sell or otherwise transfer any moveable or immovable property which may have become vested in or been acquired by it for the purposes of the University and to contract and to do all other things necessary for the purposes of this Act.

Powers of the University.

4. Subject to such conditions as mabe yprescribed by or under the provisions of this Act, the University shall have the following powers, namely :—

(*1*) to provide for instruction, teaching and training in such branches of learning and courses of study as it may think fit and to make provision for research and dissemination of knowledge ;

(*2*) to make such provision as would enable affiliated colleges and recognized institutions to undertake speticializaon of studies ;

(*3*) to organize common laboratories, libraries, museums and other equipment for teaching and research ;

(*4*) to establish, maintain and manage departments and institutes of research or specialized studies ;

prefer an appeal through the said officer, authority or body to the Syndicate within fifteen days from the date on which such action is communicated to him.

(*5*) The Vice-Chancellor shall give effect to the orders of the Syndicate regarding the appointment, dismissal, suspension and punishment of the persons in the service of the University or teachers of the University or regarding the recognition or withdrawal of the recognition of any such teacher and shall exercise general control over the affairs of the University. He shall be responsible for the discipline of the University in accordance with this Act, the Statutes and Ordinances.

(*6*) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes, Ordinances and Regulations.

The Rector.

12. [1][(*1*) (*a*) The Senate may, by resolution, decide that appointment shall or shall not be made to the office of the Rector :

Provided that nothing in this section shall entitle the Senate to decide that the first Rector, if any, appointed under section 61A shall vacate his office during the period of his appointment.

(*b*) If the Senate decides under clause (*a*) that appointment shall be made to the office of the Rector, the Rector shall be appointed by the Chancellor on the recommendation of the Vice-Chancellor. The Rector shall be a whole-time salaried officer and his emoluments and conditions of service shall be determined by the Statutes.]

(*2*) The powers conferred on the Vice-Chancellor by or under this Act shall, subject to the control of the Vice-Chancellor, also be exercisable, so far as may be, by the Rector.

The Registrar.

13. The Registrar shall be a wholetime salaried officer and shall act as the Secretary of the Senate, of the Syndicate and of the Academic Council. He shall be appointed by the Syndicate in accordance with the Statutes to be framed in in this behalf, and his emoluments and conditions of service shall be determined by such Statutes. He shall exercise such powers and perform such duties as may be prescribed by the Statutes, Ordinances and Regulations.

Other officers.

14. The powers and duties of the officers of the University referred to in clause (*vi*) of section 8 shall be such as may be prescribed by the Statutes, Ordinances and Regulations.

CHAPTER IV.

AUTHORITIES OF THE UNIVERSITY.

Authorities of the University.

15. The following shall be the authorities of the University, namely :—

(*i*) The Senate,
(*ii*) The Syndicate,
(*iii*) The Academic Council,
(*iv*) The Faculties,
(*v*) The Board of University Teaching,
(*vi*) The Boards of Studies, and
(*vii*) Such other bodies of the University as may be declared by the Statutes to be the authorities of the University.

The Senate.

16. (*1*) The Senate shall consist of the following members, namely :—

Class I—Ex-officio members.

(*A*) (*i*) The Chancellor,
(*ii*) The Vice-Chancellor,
(*iii*) Ex-Vice-Chancellors of the University residing in the [2][State],

[1] This sub-section was substituted for the original by Bom. 19 of 1950, s. 2 (*1*).
[2] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

(*iv*) The Rector, if any,
(*v*) The Registrar,

(*B*) (*i*) The Chief Justice of Bombay, or any other Judge of the High Court nominated by him,
(*ii*) The Minister of Education, Bombay, or an officer of Government nominated in this behalf by the Minister,
(*iii*) Vice-Chancellors of other Universities established by law in the [1][State] of Bombay,
(*iv*) The Director of Public Instruction, Bombay [1][State], or Joint or a Deputy Director of Public Instruction designated by the [2][State] Government,
(*v*) The Joint Director of Technical Education,
(*vi*) The Surgeon General with the Government of Bombay,
(*vii*) A Director of Agriculture designated by the [2][State] Government,
(*viii*) The Director of Industries, Bombay,
(*ix*) A Chief Engineer with the Government of Bombay designated by the [2][State] Government,
(*x*) A Conservator of Forests designated by the [2][State] Government,
(*xi*) Such other *ex-officio* members not exceeding five as may be designated by the Statutes.

(*C*) (*i*) Heads of University Departments,
(*ii*) Principals of affiliated colleges,
(*iii*) Heads of recognized institutions.

Class II—Ordinary members.

(*A*) Elected as specified below :—

(*i*) four members by secondary teachers of high schools excluding the head masters thereof from amongst such teachers in the manner specified by the Statutes ;

(*ii*) two members by head masters of high schools from amongst such head masters in the manner specified by the Statutes ;

(*iii*) such number of members as is specified below against each Faculty, by teachers including Principals, Heads of University Departments and Heads of recognized institutions in the subject or subjects comprised in each of the following Faculties, namely :—

(*a*) Arts including Education	six,
(*b*) Science	six,
(*c*) Technology including Engineering	four,
(*d*) Agriculture	two,
(*e*) Law	two,
(*f*) Medicine	four,
(*g*) Commerce	two,
(*h*) Each such additional Faculty as may be prescribed by the Statutes	two ;

(*iv*) by public associations or bodies as under :—

(*a*) two members by Municipal School Boards of authorised Municipalities within the University Area from amongst the members of such Municipal School Boards ;

(*b*) two members by District School Boards within the University Area from amongst the members of such District School Boards ;

(*c*) four members by the Bombay Legislative Assembly from amongst its members ;

[1] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.
[2] This word was substituted for the word "Provincial" *ibid.*

(*d*) one member by the Bombay Legislative Council from amongst its members ;

(*e*) one member by the Ahmedabad Millowners' Association from amongst its members ;

(*f*) one member by registered trade Unions in the University Area designated by the Statutes, from amongst their members ;

(*g*) the following number of members, who shall not be persons who are teachers or secondary teachers of High Schools or Head-masters of High Schools, by registered graduates in the manner specified below :—

(1) four by registered Graduates in Arts including Education ;

(2) two by registered Graduates in Science ;

(3) two by registered Graduates in Technology including Engineering ;

(4) two by registered Graduates in Agriculture ;

(5) two by registered Graduates in Law ;

(6) two by registered Graduates in Medicine ;

(7) two by registered Graduates in Commerce ;

(8) two by registered Graduates in each of such other additional Faculties as may be prescribed by the Statutes ;

(9) two by registered Graduates in subjects not comprised in any of the Faculties provided by or under section 23 :

Provided that—

(*i*) every person elected under clauses (*i*) to (*iii*) and under sub-clauses (*a*) to (*f*) of clause (*iv*) shall continue to hold the office of a member of the Senate only so long as he is a secondary teacher or headmaster of a high school or a teacher or a member of the electing body or bodies, as the case may be ;

(*ii*) for the purpose of the election of ordinary members a person entitled to stand as a candidate or to vote in more than one constituency mentioned in clause (*iii*) and in sub-clause (*g*) of clause (*iv*) shall, before such date as may be appointed by the Statute, elect the constituency from which he desires to stand as a candidate or to vote at the election and shall not be entitled to stand or vote in more than one constituency.

(*B*) [1][Twenty] members to be nominated by the Chancellor including distinguished educationists, social workers and representatives of backward communities.

(*C*) Five members to be elected in the manner specified below from amongst themselves by donors each donating money or property of the value of not less than one lakh of rupees—

(*a*) to, or for the purposes of, the University ; or

(*b*) to, or for the purposes of, a college or institution affiliated to or recognized by the University—

(*i*) If the donor is an individual, for the purpose of voting, the name of each such donor shall be enrolled on the register maintained by the University;

(*ii*) If the donor is an undivided Hindu family, trust, firm, company, or body corporate, for the purpose of voting, the name of the representative nominated from time to time by each such undivided Hindu family, trust, firm, company or body corporate shall be enrolled on the register maintained by the University ;

(*iii*) Where sub-clause (*iv*) does not apply, the persons whose names are enrolled on the register under sub-clauses (*i*) and (*ii*) shall elect five members to the Senate ;

(*iv*) If the number of names enrolled under sub-clauses (*i*) and (*ii*) is five or less than five, each person whose name is so enrolled shall be deemed to have been elected :

[1] This word was substituted for the word "Fifteen" by Bom. 19 of 1950, s. 3.

Provided that the right of electing members on the Senate shall not extend beyond the period of twenty years from the date of the acceptance of such donation by the college, institution or Syndicate, as the case may be.

Explanation.—For the purposes of paragraph (*C*) the value of the property means the market value of the property at the date of acceptance of the donation by the college, institution or Syndicate, as the case may be.

(*2*) The term of office of the elected members and of the members referred to in paragraph (*B*) in Class II shall be five years.

Meetings of the Senate.

17. (*1*) The Senate shall, on a date to be fixed by the Chancellor, meet once a year at a meeting to be called the annual meeting of the Senate.

(*2*) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than twenty-five members of the Senate, convene a special meeting of the Senate.

Powers and duties of the Senate.

18. (*1*) Subject to such conditions as may be prescribed by or under the provisions of this Act, the Senate shall exercise the following powers and perform the following duties, namely :—

(*i*) to make provision for instruction, teaching and training in such branches of learning and courses of study as it may think fit, for research and for the advancement and dissemination of knowledge ;

(*ii*) to make such provision as will enable affiliated colleges and recognized institutions to undertake specialization of studies ;

(*iii*) to organize and make provision for common laboratories, libraries, museums and other equipment for teaching and research ;

(*iv*) to establish and maintain departments and institutes of research and specialized studies ;

(*v*) to institute professorships, readerships, lecturerships and any other post of teachers required by the University ;

(*vi*) to institute fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes ;

(*vii*) to institute and confer degrees, titles, diplomas and other academic distinctions ;

(*viii*) to confer, on the recommendation of the Syndicate, honorary degrees, titles or other academic distinctions ;

(*ix*) to make, amend or repeal the Statutes ;

(*x*) to consider, cancel, refer back but not amend Ordinances ;

(*xi*) to consider and pass resolutions on the annual reports, annual accounts and financial estimates ;

(*xii*) to consider the annual financial estimates prepared by the Syndicate and pass resolutions with reference thereto ;

(*xiii*) to elect office-bearers and authorities as provided in the Act and the Statutes ;

(*xiv*) to make provision relating to the use of Gujarati or Hindi in Devnagari script or both as a medium of instruction and examination ;

(*xv*) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the Statutes, Ordinances and Regulations.

(*2*) The powers and duties under clauses (*i*) to (*viii*) of sub-section (*1*) shall not be exercised except upon the recommendations made by the syndicate and the Academic Council.

59. All acts and orders in good faith done and passed by the University or any of its authorities, bodies or officers shall be final and no suit shall be instituted against or damage claimed from the University or its authorities, bodies or officers for anything purporting to be done in pursuance of the Act and the Statutes Ordinances, Regulations and Rules framed thereunder. Protection of acts and orders.

CHAPTER XII.

TRANSITORY PROVISIONS.

60. Notwithstanding anything contained in this Act, or the Statutes, Ordinances and Regulations made thereunder, any student of a college situate within the University area and affiliated to the University of Bombay who immediately before the date on which section 5 came into force was studying or was eligible for any examination of the University of Bombay shall be permitted to complete his course in preparation therefore, and the University shall provide for such period and in such manner as may be prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with the course of studies of the University of Bombay. Completion of courses of students in Colleges affiliated to the Bombay University.

61. Notwithstanding anything contained in section 10, the first Vice-Chancellor shall be appointed by the [1][State] Government as soon as practicable after the passing of this Act for a period not exceeding two years and on such terms and conditions as the [1][State] Government thinks fit. Appointment of first Vice-Chancellor.

Bom. XIX of 1950. [2][**61A.** Notwithstanding anything contained in section 12, the State Government may appoint the first Rector for a period not exceeding two years from the date on which the Gujarat University (Amendment) Act, 1950, comes into force and on such terms and conditions as the State Government thinks fit.] Appointment of first Rector.

62. Notwithstanding anything contained in section 13, the first Registrar shall be appointed by the [1][State] Government as soon as practicable after the passing of this Act for a period not exceeding three years and on such conditions as the [1][State] Government thinks fit. Appointment of first Registrar.

63. (*1*) It shall be the duty of the first Vice-Chancellor— Transitory powers of first Vice-Chancellor.

(*a*) to give recognition to institutions, if any, as far as possible consistently with the provisions of section 35, and

(*b*) to make arrangements for constituting the Senate, the Syndicate, the Academic Council and other authorities of the University,

within six months after the date of his appointment or such longer period not exceeding one year as the [1][State] Government may, by notification in the *Official Gazette*, direct.

(*2*) The first Vice-Chancellor shall with the assistance of the Advisory Committee consisting of not more than fifteen members nominated by the [1][State] Government—

(*a*) subject to the provisions of the Act and the approval of the Chancellor,—

(*i*) make provisional Statutes necessary for constituting the aforesaid authorities and regulating the procedure at their meetings and the transaction of their business,

(*ii*) draw up any rules that may be necessary for regulating the method of election to the aforesaid authorities,

(*b*) frame the first Statutes, Ordinances and Regulations under this Act and submit them for confirmation to the respective authorities when they commence to exercise their functions.

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[2] Section 61A was inserted by Bom. 19 of 1950, s. 4.

(*3*) The authorities constituted under sub-section (*1*) shall commence to exercise their functions on such date or dates as the [1][State] Government may, by notification in the *Official Gazette*, direct.

(*4*) The Statutes, Ordinances and Regulations framed by the first Vice-Chancellor shall, when confirmed by the respective authorities, be published in the *Official Gazette*.

First appointment of the officers and teachers of the University.

64. (*1*) At any time after the passing of this Act until such time as the authorities of the University shall commence to exercise their functions—

(*a*) any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the Chancellor.

(*b*) teachers of the University may be appointed by the Chancellor after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, the Director of Public Instruction and such other person or persons, if any, as the Chancellor thinks fit to associate with them.

(*2*) Any appointment made under sub-section (*1*) shall be for such period not exceeding three years and on such conditions as the appointing authority thinks fit :

Provided that no such appointment shall be made until financial provision has been made therefore.

Extraordinary powers of the first Vice-Chancellor.

65. The Vice-Chancellor appointed under section 61 shall have powers until the Syndicate commences to exercise its functions—

(*a*) with the previous approval of the Chancellor to make additional Statutes to provide for any matter not provided for by the first Statutes,

(*b*) to constitute provisional authorities and bodies and on their recommendations to make rules providing for the conduct of the work of the University,

(*c*) subject to the control of the [1][State] Government to make such financial arrangements as may be necessary to enable this Act or any part thereof to be brought into force,

(*d*) with the sanction of the Chancellor to make for a period not exceeding three years such appointments as may be necessary to enable this Act or any part thereof to be brought into force,

(*e*) to appoint any Committee as he may think fit, to discharge such of his functions as he may direct, and

(*f*) generally to exercise all or any of the powers conferred on the Syndicate by or under the provisions of this Act.

Removal by [1][State] Government of difficulties at the commencement of the Act.

66. If any difficulty arises as to the first constitution or re-constitution of any authority of the University after the coming into force of this Act or otherwise in first giving effect to the provisions of this Act, the [1][State] Government, as occasion may require, may by order do anything which appears to it necessary for the purpose of removing the difficulty.

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

The Khots Leases Act, 1865 (Bom. 1 of 1865), at pages 261–264 has been repealed by the Bombay Khoti Abolition Act, 1949 (Bom. 6 of 1950), section 17, Schedule.

K-II/102

BOMBAY ACT No. XXXIV OF 1949.[1]

[THE COURT-FEES (BOMBAY AMENDMENT) ACT, 1949.]

[*14th October 1949*]

An Act to amend the Court-fees Act, 1870, in its application to the Province of Bombay.

VII of 1870. WHEREAS it is expedient to amend the Court-fees Act, 1870, in its application to the Province of Bombay, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Court-fees (Bombay Amendment) Act, 1949. Short title.

VII of 1870. 2. In the Court-fees Act, 1870, after section 1A, the following section shall be inserted, namely:— Insertion of new section 2 in Act VII of 1870.

"2. In this Act, 'Collector' shall include any officer authorised by the Chief Controlling Revenue-authority to perform the functions of a Collector under this Act." Definition of "Collector".

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V, page 243.

THE BOMBAY LAND ACQUISITION OFFICERS PROCEEDINGS VALIDATION ACT, 1949.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and extent.
2. Definitions.
3. Validation of notices, awards, proceedings, etc., under the Land Acquisition Act, 1894.
4. Validity of notices, awards, proceedings, etc., relating to acquisition not to be questioned and bar of suits and proceedings.
5. Application of sections 2 to 4 to pending suits and proceedings.
6. Insertion of new section 52A in Act I of 1894.

BOMBAY ACT No. XXXV OF 1949.[1]

[THE BOMBAY LAND ACQUISITION OFFICERS PROCEEDINGS VALIDATION ACT, 1949.]

[*14th October 1949*]

An Act to remove certain doubts and to establish the validity of certain proceedings taken for acquisition of lands in the Province of Bombay.

WHEREAS the Provincial Government had declared certain lands in the Province of Bombay to be needed for public purposes and for the purpo es of certain companies under the provisions of the Land Acquisition Act, 1894 ; 1 of 1894.

AND WHEREAS the Provincial Government had appointed certain officers under clause (*c*) of section 3 of the said Act to perform the functions of the Collector and had directed certain officers under section 7 of the said Act to take order for the acquisition of the said lands under the said Act ;

AND WHEREAS certain officers other than those who were so appointed or directed took proceedings under the said Act in respect of the acquisition of some of the said lands, instead of the officers appointed or directed ;

AND WHEREAS doubts have been raised as to the validity of the proceedings taken by the officers who were not duly appointed or directed ;

AND WHEREAS it is expedient to remove the said doubts and to validate the proceedings taken and acts done by the said officers ;

AND WHEREAS it is also expendient to provide that any proceedings which may hereafter be taken for the acquisition of lands under the said Act shall not be invalid only on the ground that the proceedings are taken by officers other than those who were appointed or directed to take the said proceedings ; It is hereby enacted as follows :—

1. (*1*) This Act may be called the Bombay Land Acquisition Officers Proceedings Validation Act, 1949. Short title and extent.

(*2*) It extends to the whole of the Province of Bombay.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) " said Act " means the Land Acquisition Act, 1894 ; 1 of 1894.

(*b*) " said date " means the date on which this Act comes into force ;

(*c*) " said lands " means the lands which before the said date were declared by the Provincial Government under section 6 of the said Act as being needed for a public purpose or for the purposes of a company and any proceedings for the acquisition of which were taken by officers who were not duly appointed or directed to take such proceedings ;

(*d*) " Special Officers " means officers who took proceedings for the acquisition of the said lands but who were not duly appointed as the Collectors under clause (*c*) of section 3 or were not directed to take order for their acquisition under section 7 of the said Act.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V, page 258.

Validation of notices, awards, proceedings, etc., under the Land Acquisition Act, 1894.

3. Notwithstanding anything contained in the said Act,—

(*1*) (*a*) all notices given, inquiries held, disputes decided, orders taken or made, awards made and all acts done before the said date by the Special Officers purporting to act as the Collectors under the said Act, in respect of the said lands;

(*b*) all declarations made by the Provincial Government under section 6 of the said Act in respect of the acquisition of the said lands as being needed for a public purpose or for the purposes of a company before the said date;

(*c*) all agreements executed before the said date by companies in respect of any of the said lands, declared to be needed for their purposes; and

(*d*) all other proceedings taken by the Special Officers for the acquisition of the said lands before the said date, including the proceedings for taking the possession of any of the said lands in pursuance of the provisions of the said Act,

shall be deemed to be and always to have been validly given, held, decided, taken, made, done or executed, as the case may be, and any of the said lands, the possession of which has been so taken, shall be and always to have been vested in the Crown, under the said Act; and

(*2*) it shall be lawful for the Special Officers, or any other officers who may be duly appointed or directed by the Provincial Government under the said Act, to take such proceedings, to take or make such orders, to make such awards or to do such other acts as may be necessary for the completion of the acquisition of the said lands under the said Act or any other law for the time being in force.

Validity of notices, awards, proceedings, etc., relating to acquisition not to be questioned and bar of suits and proceedings.

4. (*1*) The validity of any notice, inquiry, dispute, order, award or declaration and any proceeding including the proceeding for taking possession of the said lands given, held, decided, taken or made, or purporting to have been given, held, decided, taken or made, as the case may be, in connection with the acquisition of the said lands under the said Act shall not be called in question; and

(*2*) no Court shall have jurisdiction to entertain or try any suit or legal proceeding against the Provincial Government or against any of the Special Officers or any other officers of the Provincial Government, acting or purporting to act under the said Act in connection with the acquisition of the said lands, only on the ground that the proceedings for such acquisition were illegal or irregular by reason of the fact that any of the Special Officers was not duly appointed to perform the functions of a Collector under clause (*c*) of section 3, or was not duly directed to take order for the acquisition under section 7, of the said Act.

Application of sections 2 to 4 to pending suits and proceedings.

5. The provisions of sections 2 to 4 (both inclusive) shall apply, notwithstanding the pendency of any suit or other proceeding in any Court, either in a Court of first instance or in a Court of appeal, on the said date.

Insertion of new section 52A in Act I of 1894.

6. After section 52 of the Land Acquisition Act, 1894, in its application to the Province of Bombay, the following section shall be inserted, namely :— I of 1894.

Delegation.

"52A. Notwithstanding anything contained in the foregoing provisions, a Collector may, subject to the general or special orders of the Provincial Government, delegate any of his powers or functions under this Act to any officer not below the rank of a Mamlatdar or to a Land Acquisition Officer specially appointed by the Provincial Government in this behalf."

THE BOMBAY PREVENTION OF EXCOMMUNICATION ACT, 1949.

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PREAMBLE.

SECTIONS.

1. Short title and extent.
2. Definitions.
3. Excommunication not to be valid and of any effect.
4. Penalty.
5. Jurisdiction under this Act.
6. Mode of taking cognizance of offence.

BOMBAY ACT No. XLII OF 1949.[1]

[THE BOMBAY PREVENTION OF EXCOMMUNICATION ACT, 1949.]

[*1st November 1949*]

An Act to prohibit excommunication in the Province of Bombay.

WHEREAS it has come to the notice of Government that the practice prevailing in certain communities of excommunicating its members is often followed in a manner which results in the deprivation of legitimate rights and privileges of its members;

AND WHEREAS in keeping with the spirit of changing times and in the public interest, it is expedient to stop the practice; It is hereby enacted as follows :—

1. (*1*) This Act may be called the Bombay Prevention of Excommunication Act, 1949. **Short title and extent.**

(*2*) It extends to the whole of the Province of Bombay.

2. In this Act, unless there is anything repugnant in the subject or context,— **Definitions.**

(*a*) "community" means a group the members of which are connected together by reason of the fact that by birth, conversion or the performance of any religious rite they belong to the same religion or religious creed and includes a caste or sub-caste;

(*b*) "excommunication" means the expulsion of a person from any community of which he is a member depriving him of rights and privileges which are legally enforceable by a suit of civil nature by him or on his behalf as such member;

Explanation.—For the purposes of this clause a right legally enforceable by a suit of civil nature shall include the right to office or property or to worship in any religious place or a right of burial or cremation, notwithstanding the fact that the determination of such right depends entirely on the decision of the question as to any religious rites or ceremonies or rule or usage of a community.

3. Notwithstanding anything contained in any law, custom or usage for the time being in force, to the contrary, no excommunication of a member of any community shall be valid and shall be of any effect. **Excommunication not to be valid and of any effect.**

4. Any person who does any act which amounts to or is in furtherance of the excommunication of any member of a community shall, on conviction, be punished with fine which may extend to one thousand rupees. **Penalty.**

Explanation.—When any person alleged to have committed an offence under this section is a body or an association of individuals, whether incorporated or not, if the offence is alleged to have been committed at a meeting of such body or association, any individual who has voted in favour of the decision regarding the excommunication shall be deemed to have committed the offence.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V, page 424.

Jurisdiction under this Act.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, no Court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try any offence punishable under section 4. V of 1898.

Mode of taking congnizance of offence.

6. No Court shall take cognizance of an offence punishable under section 4,—

(*a*) after the expiry of one year from the date on which the offence is alleged to have been committed, and

(*b*) without the previous sanction of the Provincial Government or any officer authorised by the Provincial Government not below the rank of the Commissioner of Police in Greater Bombay and the District Magistrate elsewhere.

THE CITY OF BOMBAY (BUILDING WORKS RESTRICTION) ACT, 1949.

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7. Expenses incurred by the Commissioner may be debited to the municipal fund.
8. Written permission to enure for benefit of successors in title.
9. Bar of legal proceedings.

SCHEDULE.

BOMBAY ACT No. XLIV OF 1949.[1]

[THE CITY OF BOMBAY (BUILDING WORKS RESTRICTION) ACT, 1949.]

[*7th November 1949*]

An Act to restrict the construction, alteration and repair of buildings in certain areas in the City of Bombay.

WHEREAS it is expedient to restrict the construction, alteration and repair of buildings in certain areas in the City of Bombay ; It is hereby enacted as follows :—

1. This Act may be called the City of Bombay (Building Works Restriction) Act, 1949. Short title.

2. Unless there is anything repugnant in the subject or context, words and expressions used in this Act shall have the same meaning as in the City of Bombay Municipal Act, 1888 (hereinafter called " the principal Act "). Interpretation.

Bom. III of 1888.

3. No person shall, during the period of two years from the date of the commencement of this Act, do any work of erecting, re-erecting, constructing, reconstructing, adding to, altering or repairing any building, wall or other structure, or any part thereof situated in the area described in the Schedule, or laying out any private street in the said area, except under the authority of a written permission granted by the Commissioner and except in accordance with such conditions, if any, as the Commissioner may think fit to specify in the permission. Restriction on building works in certain area without permission.

4. The powers conferred on the Commissioner by section 3 may be exercised, under the Commissioner's control and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by any municipal officer or servant whom the Commissioner specially empowers in writing in this behalf. Delegation of power.

5. Whoever contravenes the provisions of section 3 shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to one thousand rupees or with both. Penalty.

Explanation.—If any person who is in occupation, possession, or control of any land or building fails without lawful authority or excuse in respect of such land or building to comply or to secure compliance with the provisions of section 3 or evades or attempts to evade the said provisions he shall be deemed to have contravened the said provisions.

6. (*1*) The Commissioner may remove or cause to be removed any work done in contravention of section 3. Commissioner may remove unauthorized work.

(*2*) All reasonable expenses incurred by the Commissioner in effecting any removal under sub-section (*1*) shall be recoverable under the prinicipal Act as if such expenses were included in sub-section (*1*) of section 490 of the princpal Act.

7. Not withstanding anything to the contrary contained in the principal Act any expenses incurred by the Commissioner in the execution or intended execution of this Act may be paid out of the municipal fund. Expenses incurred by the Commissioner may be debited to the municipal fund.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V, page 313.

Written permission to enure for benefit of successors in title.

8. The benefit of any written permission granted under section 3 shall be annexed to and shall go with the ownership of the building, wall, or other structure or private street, as the case may be, in respect of which it was granted, and may be enforced by every person in whom that ownership is for the time being vested, and every condition specified in any such permission shall be binding upon every such person.

Bar of legal proceedings.

9. No suit or other legal proceeding shall be instituted against the Corporation or the Commissioner or any municipal officer or servant in respect of any act in good faith done or intended to be done in pursuance of the provisions of this Act.

SCHEDULE.

Area bounded on the East by the western boundary of the B.B. & C. I. Railway lines from its junction with the northern edge of Elphinstone Bridge up to its junction with Mori Road, on the North by the southern edge of Mori Road up to its junction with the eastern edge of Lady Jamshedji Road ; on the West by the eastern edge of Lady Jamshedji Road and across the road to its junction with the eastern edge of Gokhle Road (North) and then along the eastern edge of Gokhle Road (North) up to its junction with the southern edge of Ranade Road Extension and then across Gokhle Road (North) and along the southern edge of the Ranade Road Extension up to the sea-shore limit, then by the western boundary of the sea-shore up to its junction with the southern edge of the proposed 60 feet Road extended hypothetically up to the sea ; then on the South along the southern edge of the hypothetical extended line of the proposed 60 feet Road, then along the southern edge of the proposed 60 feet Road up to its junction with the eastern edge of Dr. Annie Beasant Road, then along the eastern edge of Dr. Annie Beasant Road up to its junction with the Drainage Channel, then along the Drainage Channel (excluding the Channel) up to its junction with the Elphinstone Road and Tulsi Pipe Line Road, and then along the northern edge of the Elphinstone Road and the Elphinstone Bridge up to its junction with the B.B. & C. I. Railway lines.

THE GUJARAT UNIVERSITY ACT, 1949.

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SCHEDULE.

BOMBAY ACT No. L OF 1949.[1]

[THE GUJARAT UNIVERSITY ACT, 1949.]

[*23rd November 1949.*]

An Act to establish and incorporate a teaching and affiliating University in the Province of Bombay to be known as the Gujarat University.

WHEREAS it is expedient to establish and incorporate a teaching and affiliating University in the Province of Bombay to be known as the Gujarat University as a measure in the decentralization and reorganization of university education in the Province of Bombay; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. (*1*) This Act may be called the Gujarat University Act, 1949.

(*2*) This section shall come into force at once.

(*3*) The Provincial Government may, by notification in the *Official Gazette*, direct that all or any of the remaining provisions of this Act, shall come into force on such date or dates as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Affiliated" means affiliated under sections 5 and 33;

(*2*) "College" means a degree college or an intermediate college;

(*3*) "Degree College" means an affiliated college which is authorized to submit its students to an examination qualifying for any degree of the University;

(*4*) "High School" means a high school which has been recognized as a full-fledged high school by the Director of Public Instruction, Bombay Province, or by an officer authorized by him in this behalf, or a high school situate outside the Province of Bombay which has been registered by the University;

(*5*) "Hostel" means a unit of residence for students maintained or recognized by the University under this Act;

(*6*) "Intermediate college" means an affiliated college other than a degree college;

(*7*) "Principal" means the head of a college;

(*8*) "Recognized institution" means an institution for research or specialized studies other than an affiliated college and recognized as such by the University;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V, page 652.

(*9*) " Registered graduate " means a graduate registered under the provisions of this Act ;

(*10*) " Secondary Teachers " means such class of teachers imparting instruction in High Schools as may be declared to be secondary teachers by the Statutes ;

(*11*) " Statutes ", " Ordinances " and " Regulations " mean respectively the Statutes, Ordinances and Regulations of the University made under this Act and for the time being in force ;

(*12*) " Teachers " means professors, readers, lecturers and such other persons imparting instruction in the University, an affiliated college or a recognized institution as may be declared to be teachers by the Statutes ;

(*13*) " Teachers of the University " means teachers appointed or recognized by the University for imparting instruction on its behalf ;

(*14*) " University " means the Gujarat University constituted under this Act ;

(*15*) " University Area " means the areas specified in the Schedule ;

(*16*) " University Department " means any collegiate, post-graduate or research institution or department maintained by the University.

CHAPTER II.

THE UNIVERSITY.

Incorporation of the University.

3. (*1*) The Chancellor, the Vice-Chancellor of the University and the member of the Senate, the Syndicate and the Academic Council of the University and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of " The Gujarat University."

(*2*) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(*3*) The University shall be competent to acquire and hold property, both moveable and immovable, to lease, sell or otherwise transfer any moveable or immovable property which may have become vested in or been acquired by it for the purposes of the University and to contract and to do all other things necessary for the purposes of this Act.

Powers of the University.

4. Subject to such conditions as may be prescribed by or under the provisions of this Act, the University shall have the following powers, namely :—

(*1*) to provide for instruction, teaching and training in such branches of learning and courses of study as it may think fit and to make provision for research and dissemination of knowledge ;

(*2*) to make such provision as would enable affiliated colleges and recognized institutions to undertake specialization of studies ;

(*3*) to organize common laboratories, libraries, museums and other equipment for teaching and research ;

(*4*) to establish, maintain and manage departments and institutes of research or specialized studies ;

(*5*) to institute professorships, readerships, lecturerships and any other posts of teachers required by the University;

(*6*) to appoint or recognize persons as professors, readers or lecturers or otherwise as teachers of the University;

(*7*) to lay down the courses of instruction for various examinations;

(*8*) to guide the teaching in colleges or recognized institutions;

(*9*) to institute degrees, titles, diplomas and other academic distinctions;

(*10*) to hold examinations and confer degrees, titles, diplomas and other academic distinctions on persons who—

(*a*) have pursued approved courses of study in the University or in an affiliated college unless exempted therefrom in the manner prescribed by the Statutes, Ordinances and Regulations and have passed the examinations prescribed by the University, or

(*b*) have carried on research under conditions prescribed by the Ordinances and Regulations;

(*11*) to confer honorary degrees, titles or other academic distinctions in the manner laid down by the Statutes;

(*12*) to grant such diplomas to, and to provide such lectures, instruction and training, for persons not being enrolled students of the University as the University may determine by the Statutes, Ordinances and Regulations;

(*13*) to admit educational institutions to the privileges of the University and to withdraw such privileges;

(*14*) to inspect colleges and recognized institutions and to take measures to ensure that proper standards of instruction, teaching or training are maintained in them;

(*15*) to control and co-ordinate the activities of, and give financial aid to, affiliated colleges and recognized institutions;

(*16*) to hold and manage endowments and to institute and award fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes;

(*17*) to make special provision for the spread of university education among classes and communities which are educationally backward;

(*18*) to make special provision for disseminating knowledge and promoting arts and culture;

(*19*) to fix, to demand and to receive such fees and other charges as may be prescribed by the Ordinances;

(*20*) to establish, maintain and manage hostels;

(*21*) to recognize hostels not maintained by the University, to inspect such hostels and to withdraw recognition therefrom;

(*22*) to supervise and control the residence, conduct and discipline of the students of the University and to make arrangements for promoting their health and general welfare;

(*23*) to co-ordinate, supervise and control the conduct of post-graduate research work and teaching in the affiliated colleges and the institutions recognized by the University;

(*24*) to institute and manage—

(*a*) Publication Department,

(*b*) University Extension Boards,

(*c*) Information Bureaux, and

(*d*) Employment Bureaux;

(*25*) to make provision—

(*a*) for extra-mural teaching and research,
(*b*) for physical and military training,
(*c*) for students Unions, and
(*d*) for sports and Athletic clubs ·

(*26*) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine ;

(*27*) to promote the development of the study of Gujarati and Hindi in Devnagari script and the use of Gujarati or Hindi in Devnagari script or both as a medium of instruction and examination :

Provided that English may continue to be the medium of instruction and examination in such subjects and for such period not exceeding ten years from the date on which section 3 comes into force as may from time to time be prescribed by the Statutes ; and

(*28*) to do all such acts and things whether incidental to the powers aforesaid or not as may be requisite in order to further the objects of the University and generally to cultivate and promote arts, science and other branches of learning, and culture.

Jurisdiction and admission to privileges.

5. (*1*) No educational institution situate within the University area shall, save with the sanction of the Provincial Government, be associated in any way with, or seek admission to any privileges of, any other University established by law.

(*2*) Any such privileges enjoyed from such other University before the date on which this section comes into force by any educational institution situate within the University area shall be deemed to be withdrawn with effect from such date.

(*3*) With effect from such date all educational institutions admitted to the privileges of the University of Bombay and situate within the University area shall be deemed to be admitted to the privileges of the University, and the University shall, as far as may be possible and consistent with this Act, admit such institution to all such privileges as they had from the University of Bombay immediately before such date.

(*4*) Any educational institution in the Province of Bombay situate outside the University area or in other territories outside the Province may, subject to such conditions and restrictions as the University and the Provincial Government think fit to impose, be admitted to the privileges of the University.

(*5*) The Provincial Government may, by notification in the *Official Gazette*, direct that this Act shall cease to apply to any area included in the University area and on such date as may be specified in the notification ; and on and from the said date all the educational institutions situate within the said area shall cease to be associated with and to enjoy the privileges of the University.

University open to all irrespective of sex, religion, class, creed or opinion

6. (*1*) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma, title or other academic distinction or course or study on the sole ground of sex, race, creed, class, religious belief or political or other opinion :

Provided that the University may, subject to the previous sanction of the Provincial Government, maintain, affiliate or recognize any institution exclusively for women or reserve for women or members of classes and communities which are educationally backward places for the purposes of admission as students in any institution maintained by the University.

(*2*) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, class, religious belief or profession of political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in the University or to qualify for any degree, diploma title or other academic distinction or to enjoy or exercise any privileges of the University or any benefaction thereof.

Inspection and inquiry.

7. (*1*) The Chancellor shall have the right to cause an inspection to be made by such person or persons as he may direct of the University, its buildings, laboratories, libraries, museums, workshops and equipment, of any institution, college or hostel maintained, recognized by, or affiliated to, the University, of the teaching and other work conducted by the University, and of the conduct of examinations held by the University; and to cause an inquiry to be made in respect of any matter connected with the University. The Chancellor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(*2*) The Chancellor shall communicate to the Syndicate and to the Senate his views with reference to the results of such inspection or inquiry and shall, after ascertaining the opinion of the Syndicate and the Senate thereon, advise the University on the action to be taken.

(*3*) The Syndicate shall report to the Chancellor such action, if any, as it has taken or may propose to take upon the results of the inspection or inquiry. Such report shall be submitted with the opinion of the Senate thereon and within such time as the Chancellor may direct.

(*4*) Where the Syndicate does not within a reasonable time take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Syndicate, issue such directions as he may think fit and the Syndicate shall comply with such directions.

(*5*) The Provincial Government may, whenever it deems fit, cause a like inspection or inquiry to be made in the manner described in sub-sections (*1*) to (*3*) and shall have, for the purposes of such inspection or inquiry, all the powers of the Chancellor under the said sub-sections.

CHAPTER III.

Officers of the University.

Officers of the University.

8. The following shall be the officers of the University, namely :—

(*i*) The Chancellor,

(*ii*) The Vice-Chancellor,

(*iii*) The Rector, if any,

(*iv*) The Deans of Faculties,

(*v*) The Registrar, and

(*vi*) Such other officers in the service of the University as may be declared by the Statutes to be officers of the University.

The Chancellor.

9. (*1*) The Governor of Bombay for the time being shall be the Chancellor of the University.

(*2*) The Chancellor shall, by virtue of his office, be the head of the University and the president of the Senate and shall, when present, preside at meetings of the Senate and at any convocation of the University.

(*3*) The Chancellor shall have such other powers as may be conferred on him by this Act or the Statutes.

The Vice-Chancellor.

10. (*1*) The Vice-Chancellor shall be nominated by the Chancellor from amongst four persons recommended by a majority of the members of the Senate present at the meeting. Such recommendation shall be made according to the distributive system of voting.

(*2*) The Vice-Chancellor shall hold office for a term of three years.

(*3*) Where any temporary vacancy in the office of the Vice-Chancellor occurs by reason of leave, illness or other cause, the Syndicate shall, as soon as possible subject to the approval of the Chancellor, make such arrangements for carrying on the duties of the office of the Vice-Chancellor as it may think fit. Until such arrangements are made, the Dean nominated by the Chancellor for that purpose shall carry on the current duties of the office of the Vice-Chancellor.

(*4*) The Vice-Chancellor shall be an honorary officer, but the Senate may, by Statutes, make the office of the Vice-Chancellor a wholetime salaried office; the Senate may also determine the emoluments to be paid for such office, whether honorary or salaried, and prescribe the conditions subject to which such office shall be held.

Powers of the Vice-Chancellor.

11. (*1*) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the Chancellor, preside at meetings of the Senate and any convocation of the University. He shall be an *ex-officio* member and the Chairman of the Syndicate and of the Academic Council. He shall be entitled to be present, with the right to speak, at any meeting of any other authority or body of the University, but shall not be entitled to vote thereat unless he is a member of that authority or body.

(*2*) The Vice-Chancellor shall have power to convene meetings of the Senate, the Syndicate and the Academic Council. He may delegate this power to any other officer of the University.

(*3*) It shall be the duty of the Vice-Chancellor to ensure that this Act, the Statutes, Ordinances and Regulations are faithfully observed and he shall have all powers necessary for this purpose.

(*4*) (*a*) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, he shall take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officer, authority or body as would have in the ordinary course dealt with the matter.

(*b*) When action taken by the Vice-Chancellor under this sub-section affects any person in the service of the University such person shall be entitled to

prefer an appeal through the said officer, authority or body to the Syndicate within fifteen days from the date on which such action is communicated to him.

(*5*) The Vice-Chancellor shall give effect to the orders of the Syndicate regarding the appointment, dismissal, suspension and punishment of the persons in the service of the University or teachers of the University or regarding the recognition or withdrawal of the recognition of any such teacher and shall exercise general control over the affairs of the University. He shall be responsible for the discipline of the University in accordance with this Act, the Statutes and Ordinances.

(*6*) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes, Ordinances and Regulations.

12. (*1*) The Rector shall be a whole-time salaried Officer. He shall be appointed by the Chancellor on the recommendation of the Vice-Chancellor; and his emoluments and conditions of service shall be determined by the Statutes. The Rector.

(*2*) The powers conferred on the Vice-Chancellor by or under this Act shall, subject to the control of the Vice-Chancellor, also be exercisable, so far as may be, by the Rector.

13. The Registrar shall be a wholetime salaried officer and shall act as the Secretary of the Senate, of the Syndicate and of the Academic Council. He shall be appointed by the Syndicate in accordance with the Statutes to be framed in this behalf, and his emoluments and conditions of service shall be determined by such Statutes. He shall exercise such powers and perform such duties as may be prescribed by the Statutes, Ordinances and Regulations. The Registrar.

14. The powers and duties of the officers of the University referred to in clause (*vi*) of section 8 shall be such as may be prescribed by the Statutes, Ordinances and Regulations. Other officers.

CHAPTER IV.

AUTHORITIES OF THE UNIVERSITY.

15. The following shall be the authorities of the University, namely :— Authorities of the University.

(*i*) The Senate,
(*ii*) The Syndicate,
(*iii*) The Academic Council,
(*iv*) The Faculties,
(*v*) The Board of University Teaching,
(*vi*) The Boards of Studies, and
(*vii*) Such other bodies of the University as may be declared by the Statutes to be the authorities of the University.

16. (*1*) The Senate shall consist of the following members, namely :— The Senate.

Class I—Ex-officio members.

(*A*) (*i*) The Chancellor,
(*ii*) The Vice-Chancellor,
(*iii*) Ex-Vice-Chancellors of the University residing in the Province,

(*iv*) The Rector, if any,

(*v*) The Registrar.

(*B*) (*i*) The Chief Justice of Bombay, or any other Judge of the High Court nominated by him,

(*ii*) The Minister of Education, Bombay, or an officer of Government nominated in this behalf by the Minister,

(*iii*) Vice-Chancellors of other Universities established by law in the Province of Bombay,

(*iv*) The Director of Public Instruction, Bombay Province, or Joint or a Deputy Director of Public Instruction designated by the Provincial Government,

(*v*) The Joint Director of Technical Education,

(*vi*) The Surgeon General with the Government of Bombay,

(*vii*) A Director of Agriculture designated by the Provincial Government,

(*viii*) The Director of Industries, Bombay,

(*ix*) A Chief Engineer with the Government of Bombay designated by the Provincial Government,

(*x*) A Conservator of Forests designated by the Provincial Government,

(*xi*) Such other *ex-officio* members not exceeding five as may be designated by the Statutes.

(*C*)(*i*) Heads of University Departments,

(*ii*) Principals of affiliated colleges,

(*iii*) Heads of recognized institutions.

Class II—Ordinary members.

(*A*) Elected as specified below :—

(*i*) four members by secondary teachers of high schools excluding the head masters thereof from amongst such teachers in the manner specified by the Statutes ;

(*ii*) two members by head masters of high schools from amongst such head masters in the manner specified by the Statutes ;

(*iii*) such number of members as is specified below against each Faculty, by teachers including Principals, Heads of University Departments and Heads of recognized institutions in the subject or subjects comprised in each of the following Faculties, namely :—

(*a*) Arts including Education	six,
(*b*) Science	six,
(*c*) Technology including Engineering	four,
(*d*) Agriculture	two,
(*e*) Law	two,
(*f*) Medicine	four,
(*g*) Commerce	two,
(*h*) Each such additional Faculty as may be prescribed by the Statutes	two ;

(*iv*) by public associations or bodies as under :—

(*a*) two members by Municipal School Boards of authorised Municipalities within the University Area from amongst the members of such Municipal School Boards ;

(*b*) two members by District School Boards within the University Area from amongst the members of such District School Boards ;

(*c*) four members by the Bombay Legislative Assembly from amongst its members ;

(*d*) one member by the Bombay Legislative Council from amongst its members ;

(*e*) one member by the Ahmedabad Millowners' Association from amongst its members ;

(*f*) one member by registered trade Unions in the University Area designated by the Statutes, from amongst their members ;

(*g*) the following number of members, who shall not be persons who are teachers or secondary teachers of High Schools or Head-masters of High Schools, by registered graduates in the manner specified below :—

(*1*) four by registered Graduates in Arts including Education ;

(*2*) two by registered Graduates in Science ;

(*3*) two by registered Graduates in Technology including Engineering ;

(*4*) two by registered Graduates in Agriculture ;

(*5*) two by registered Graduates in Law ;

(*6*) two by registered Graduates in Medicine ;

(*7*) two by registered Graduates in Commerce ;

(*8*) two by registered Graduates in each of such other additional Faculties as may be prescribed by the Statutes ;

(*9*) two by registered Graduates in subjects not comprised in any of the Faculties provided by or under section 23 :

Provided that—

(*i*) every person elected under clauses (*i*) to (*iii*) and under sub-clauses (*a*) to (*f*) of clause (*iv*) shall continue to hold the office of a member of the Senate only so long as he is a secondary teacher or headmaster of a high school or a teacher or a member of the electing body or bodies, as the case may be ;

(*ii*) for the purpose of the election of ordinary members a person entitled to stand as a candidate or to vote in more than one constituency mentioned in clause (*iii*) and in sub-clause (*g*) of clause (*iv*) shall, before such date as may be appointed by the Statute, elect the constituency from which he desires to stand as a candidate or to vote at the election and shall not be entitled to stand or vote in more than one constituency.

(*B*) Fifteen members to be nominated by the Chancellor including distinguished educationists, social workers and representatives of backward communities.

(*C*) Five members to be elected in the manner specified below from amongst themselves by donors each donating money or property of the value of not less than one lakh of rupees—

(*a*) to, or for the purposes of, the University ; or

(*b*) to, or for the purposes of, a college or institution affiliated to or recognized by the University—

(*i*) If the donor is an individual, for the purpose of voting, the name of each such donor shall be enrolled on the register maintained by the University ;

(*ii*) If the donor is an undivided Hindu family, trust, firm, company, or body corporate, for the purpose of voting, the name of the representative nominated from time to time by each such undivided Hindu family, trust, firm, company or body corporate shall be enrolled on the register maintained by the University ;

(*iii*) Where sub-clause (*iv*) does not apply, the persons whose names are enrolled on the register under sub-clauses (*i*) and (*ii*) shall elect five members to the Senate ;

(*iv*) If the number of names enrolled under sub-clauses (*i*) and (*ii*) is five or less than five, each person whose name is so enrolled shall be deemed to have been elected :

Provided that the right of electing members on the Senate shall not extend beyond the period of twenty years from the date of the acceptance of such donation by the college, institution or Syndicate, as the case may be.

Explanation.—For the purposes of paragraph (*C*) the value of the property means the market value of the property at the date of acceptance of the donation by the college, institution or Syndicate, as the case may be.

(2) The term of office of the elected members and of the members referred to in paragraph (*B*) in Class II shall be five years.

Meetings of the Senate.

17. (*1*) The Senate shall, on a date to be fixed by the Chancellor, meet once a year at a meeting to be called the annual meeting of the Senate.

(*2*) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than twenty-five members of the Senate, convene a special meeting of the Senate.

Powers and duties of the Senate.

18. (*1*) Subject to such conditions as may be prescribed by or under the provisions of this Act, the Senate shall exercise the following powers and perform the following duties, namely :—

(*i*) to make provision for instruction, teaching and training in such branches of learning and courses of study as it may think fit, for research and for the advancement and dissemination of knowledge;

(*ii*) to make such provision as will enable affiliated colleges and recognized institutions to undertake specialization of studies;

(*iii*) to organize and make provision for common laboratories, libraries, museums and other equipment for teaching and research;

(*iv*) to establish and maintain departments and institutes of research and specialized studies;

(*v*) to institute professorships, readerships, lecturerships and any other post of teachers required by the University;

(*vi*) to institute fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes;

(*vii*) to institute and confer degrees, titles, diplomas and other academic distinctions;

(*viii*) to confer, on the recommendation of the Syndicate, honorary degrees, titles or other academic distinctions;

(*ix*) to make, amend or repeal the Statutes;

(*x*) to consider, cancel, refer back but not amend Ordinances;

(*xi*) to consider and pass resolutions on the annual reports, annual accounts and financial estimates;

(*xii*) to consider the annual financial estimates prepared by the Syndicate and pass resolutions with reference thereto;

(*xiii*) to elect office-bearers and authorities as provided in the Act and the Statutes;

(*xiv*) to make provision relating to the use of Gujarati or Hindi in Devnagari script or both as a medium of instruction and examination;

(*xv*) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the Statutes, Ordinances and Regulations.

(*2*) The powers and duties under clauses (*i*) to (*viii*) of sub-section (*1*) shall not be exercised except upon the recommendations made by the Syndicate and the Academic Council.

19. (*1*) The Syndicate shall be the executive authority of the University and shall consist of the following, namely :— Syndicate.

(*i*) The Vice-Chancellor—*ex-officio* Chairman ;

(*ii*) The Rector, if any ;

(*iii*) The Director of Public Instruction, Bombay Province, or the Joint or Deputy Director of Public Instruction who is a member of the Senate ;

(*iv*) one Dean elected by Deans of Faculties from amongst themselves ;

(*v*) eight persons elected by the Senate from amongst its members, who are not Principals, Teachers or Secondary Teachers ;

(*vi*) one member elected by the Heads of University Departments from amongst themselves ;

(*vii*) five Principals elected by the Principals in such manner as may be specified by the Statutes :

Provided that a member elected under clauses (*iv*) to (*vii*) shall cease to hold office as such member if he ceases to be a member of the Senate, or a Dean or a Head of University Department or a Principal, as the case may be.

(*2*) The term of office of the elected members of the Syndicate shall be three years

20. (*1*) Subject to such conditions as may be prescribed by or under the provisions of this Act, the Syndicate shall exercise the following powers and perform the following duties, namely :— Powers and duties of the Syndicate.

(*i*) to hold, control and administer the property and funds of the University ;

(*ii*) to enter into, vary, carry out and cancel contracts on behalf of the University in the exercise or performance of the powers and duties assigned to it by the Act and the Statutes ;

(*iii*) to determine the form, provide for the custody and regulate the use, of the common seal of the University ;

(*iv*) to administer funds placed at the disposal of the University for specific purposes ;

(*v*) to frame the annual financial estimates of the University and to submit them to the Senate ;

(*vi*) to make provision for buildings, premises, furniture, apparatus and other means needed for carrying on the work of the University ;

(*vii*) to accept on behalf of the University bequests, donations and transfers of any moveable or immovable property to the University ;

(*viii*) to transfer any moveable or immovable property on behalf of the University ;

(*ix*) to manage and regulate the finances, accounts and investments of the University ;

(*x*) to institute and manage—

(*a*) Publication Department,

(*b*) University Extension Boards,

(*c*) Information Bureaux, and

(*d*) Employment Bureaux ;

(*xi*) to make provision—

(*a*) for extra-mural teaching and research,

(*b*) for physical and military training ;

(*xii*) to manage departments, institutes of research or specialized studies, laboratories, libraries, museums and hostels maintained by the University ;

(*xiii*) to recognize hostels and to provide housing accommodation for University teachers and other employees ;

(*xiv*) to register high schools situate outside the Province of Bombay, as may be provided by the Statutes ;

(*xv*) to arrange for and direct the inspection of affiliated colleges, recognized institutions and hostels, to issue instructions for maintaining their efficiency and for ensuring proper conditions of employment for members of their staff, and in case of disregard of such instructions, to recommend modification of the conditions of their affiliation or recognition or take such other steps as it deems proper ;

(*xvi*) to call for reports, returns and other information from colleges, recognized institutions or hostels ;

(*xvii*) to supervise and control the residence, conduct and discipline of the students of the University and to make arrangements for promoting their health and general welfare ;

(*xviii*) to recommend to the Senate the conferment of honorary degrees, titles and academic distinctions in the manner prescribed by the Statutes ;

(*xix*) to award fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes ;

(*xx*) to appoint teachers and servants of the University, fix their emoluments, if any, and define their duties and the conditions of their service and discipline;

(*xxi*) to recognize a member of the staff of an affiliated college or recognized institution as a professor, reader, lecturer or teacher of the University and withdraw such recognition ;

(*xxii*) to appoint examiners, to fix their remuneration and to arrange for the conduct of, and for publishing the results of, the University examinations and other tests ;

(*xxiii*) to fix, demand and receive such fees and other charges as may be prescribed by the Ordinances ;

(*xxiv*) to make, amend and cancel the Ordinances ;

(*xxv*) to accept, reject or refer back Regulations framed by the Academic Council ;

(*xxvi*) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act, Statutes, Ordinances and Regulations;

(*xxvii*) to exercise all powers of the University not otherwise provided for in the Act or the Statutes and all other powers which are requisite to give effect to the provisions of this Act or the Statutes.

(*2*) The Syndicate shall make a report to the Senate about all acceptances or transfers of property referred to in clause (*vii*) of sub-section (*1*).

(*3*) The Syndicate shall not transfer any immovable property without the previous sanction of the Senate.

(*4*) The Syndicate may by Ordinances appoint Committees to carry out its administrative work and define their constitution, functions and tenure.

21. (*1*) The Academic Council shall be the academic body of the University and shall consist of the following persons, namely :— Academic Council.

Class I—Ex-officio members.

(*i*) The Vice-Chancellor—*ex-officio* Chairman,
(*ii*) The Rector, if any,
(*iii*) The Registrar,
(*iv*) Deans of Faculties,
(*v*) Heads of University Departments,
(*vi*) Chairmen of the Boards of Studies.

Class II—Other members.

(*i*) Three representatives of Principals of Colleges elected by them from amongst themselves,

(*ii*) three representatives of Heads of recognized institutions elected by them from amongst themselves :

Provided that a member elected under clause (*i*) or (*ii*) shall cease to hold office as such member if he ceases to be a Principal of a college or a Head of a recognized institution, as the case may be.

(*2*) The term of office of the members of the Academic Council other than *ex-officio* members shall be three years.

22. (*1*) The Academic Council shall have the control and general regulation of, and be responsible for, the maintenance of the standards of teaching and examinations with the University. Powers and duties of the Academic Council.

(*2*) Without prejudice to the generality of the foregoing provision and subject to such conditions as may be prescribed by or under the provisions of this Act, the Academic Council shall exercise the following powers and perform the following duties, namely :—

(*i*) to make Regulations in consultation with the Boards of Studies concerned laying down courses of study ;

(*ii*) to make Regulations regarding the special courses of study ;

(*iii*) to arrange for co-ordination of studies and teaching in affiliated colleges and in recognized institutions ;

(*iv*) to promote research within the University ;

(*v*) to make proposals for allocating subjects to the Faculties ;

(*vi*) to make proposals for the establishment of departments, institutes of research and specialized studies, libraries, laboratories and museums ;

(*vii*) to make proposals for the institution of professorships, readerships, lecturerships and any other posts of teachers required by the University and for prescribing the duties and fixing the emoluments of such posts ;

(*viii*) to make proposals for the institution of fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes and to make Regulations for their award ;

(*ix*) to make Regulations regarding the examinations of the University and the conditions on which students shall be admitted to such examinations ;

(*x*) to make Regulations prescribing equivalence of examinations ;

(*xi*) to make Regulations prescribing the manner for granting exemptions from approved courses of studies in the University or in affiliated colleges for qualifying for degrees, titles, diplomas and other academic distinctions ;

(*xii*) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act, Statutes, Ordinances and Regulations; and

(*xiii*) generally to advise the University on all academic matters.

Faculties and their functions.

23. (*1*) The University shall include the Faculties of Arts including Education, Science, Technology including Engineering, Agriculture, Law, Medicine and Commerce and such other Faculties as may be prescribed by the Statutes. Each Faculty shall comprise such subjects as may be prescribed by the Statutes.

(*2*) Each Faculty shall consist of—

Ex-officio.

(*i*) Registered Graduates elected on the Senate by the respective Faculties constituencies;

(*ii*) Teachers, including Principals, Heads of University Departments and Heads of recognized institutions elected on the Senate under clause (*iii*) in paragraph (*A*) in Class II of section 16 by the respective Faculties' constituencies;

(*iii*) Principals, Heads of University Departments and Heads of recognized institutions teaching the subject or subjects comprised in the respective Faculties.

Ordinary.

(*i*) Such members as are assigned by the Senate from amongst such of its members as have been elected on the Senate by secondary teachers;

(*ii*) Two members to be elected in such manner as may be prescribed by the Statutes, by teachers, other than members of the Senate, in the subject or subjects comprised in the respective Faculties:

Provided that the person to be elected shall be a teacher for a continuous period of five years immediately preceding such date as may be prescribed by the Statutes:

Provided further that for the purpose of the election of ordinary members a person entitled to stand as a candidate or to vote in more than one Faculty constituency shall, before such date as may be appointed by the Statute, elect the constituency from which he desires to stand as a candidate or to vote at the election and shall not be entitled to stand or vote in more than one such constituency.

(*3*) The powers and duties of the Faculties and the conditions governing the terms of offices of their members shall be as prescribed by the Statutes.

Deans of Faculties.

24. (*1*) There shall be a Dean of each Faculty who shall be elected by the Faculty from amongst its members who are members of the Senate. The term of office of a Dean shall be such as may be determined by the Statutes.

(*2*) The Dean of each Faculty shall be responsible for the due observance of the Statutes, Ordinances and Regulations relating to that Faculty.

Boards of Studies.

25. (*1*) There shall be a Board of Studies for every subject or group of subjects as may be prescribed by the Statutes.

(*2*) Each Board shall consist of—

(*i*) such members of the Faculty under which the Board is constituted as have elected to be members of the Board. The election once made shall not be changed during the term of the office of the member;

(*ii*) persons to be co-opted by the Board, not exceeding one third of the number of the *ex-officio* members of the Board.

(*3*) The Chairman shall be elected by the members from amongst the *ex-officio* members.

(*4*) The term of office of *ex-officio* or co-opted members shall be five years.

(*5*) The other powers and duties of the Boards of Studies shall be as prescribed by the Statutes.

26. (*1*) The University shall establish a Board of Extra-Mural Studies, a Board for Students' Welfare and such other Boards as may be prescribed by the Statutes. University Boards.

(*2*) The constitution, powers and duties of the Boards established under sub-section (*1*) shall be as prescribed by the Ordinances.

27. The constitution, powers and duties of such other bodies as may be declared by the Statutes to be authorities of the University shall be as prescribed by the Statutes. Other authorities.

CHAPTER V.

STATUTES, ORDINANCES AND REGULATIONS.

28. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :— Statutes.

(*i*) conferment of honorary degrees;

(*ii*) holding of convocations to confer degrees;

(*iii*) powers and duties of the officers of the University;

(*iv*) constitution, powers and duties of the authorities of the University save as provided in this Act;

(*v*) institution and maintenance by the University of departments, institutes of research or specialized studies and hostels;

(*vi*) acceptance and management of bequests, donations and endowments;

(*vii*) registration of graduates and maintenance of a register of registered graduates;

(*viii*) procedure at meetings of the authorities of the University and for the transaction of their business;

(*ix*) qualifications of professors, readers, lecturers and teachers in affiliated colleges and recognized institutions;

(*x*) all matters which by this Act are to be or may be prescribed by the Statutes.

29. (*1*) The Statutes may be made by the Senate or may be amended, repealed or added to by Statutes made by the Senate in the manner hereinafter provided. Statutes, their making, amendment, repeal and operation.

(*2*) The Senate may take into consideration the draft of a Statute either of its own motion or on a proposal by the Syndicate.

(*3*) The Syndicate may propose to the Senate draft of any Statute to be passed by the Senate.

(*4*) Such draft shall be considered by the Senate at its next succeeding meeting. The Senate may approve such draft and pass the Statute or may reject it or return it to the Syndicate for reconsideration either in whole or in part together with any

amendments which the Senate may suggest. After any draft so returned has been further considered by the Syndicate together with any amendments suggested by the Senate, it shall be again presented to the Senate with the report of the Syndicate thereon and the Senate may then deal with the draft in any manner it thinks fit.

(*5*) Where a Statute affects the powers or duties of any officer, authority or Board of the University—

(*i*) the Syndicate shall, before proposing the draft of such Statute, ascertain and consider the views of the officer, authority or Board concerned; and

(*ii*) the Senate, before passing any such Statute taken into consideration of its own motion, shall ascertain and consider the views of the officer, authority or Board concerned and the opinion of the Syndicate.

(*6*) Every Statute passed by the Senate shall be submitted to the Chancellor who may give or withhold his assent thereto or refer it back to the Senate for consideration.

(*7*) No Statute passed by the Senate shall have validity until assented to by the Chancellor.

Ordinances.

30. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Syndicate may make Ordinances to provide for all or any of the following matters:—

(*i*) conditions under which students shall be admitted to courses of studies for degrees, titles, diplomas and other academic distinctions;

(*ii*) conditions of residence, conduct and discipline of students of the University;

(*iii*) conditions governing the appointment and the duties of examiners;

(*iv*) conduct of examinations;

(*v*) recognition of hostels;

(*vi*) recognition of teachers of the University;

(*vii*) inspection of affiliated colleges, recognized institutions and hostels;

(*viii*) mode of execution of contracts or agreements for, or on behalf of, the University;

(*ix*) rules to be observed and enforced by colleges and recognized institutions in respect of transfer of students;

(*x*) all matters which by this Act or the Statutes are to be or may be provided for by the Ordinances; and

(*xi*) generally all matters for which provision is, in the opinion of the Syndicate, necessary for the exercise of the powers conferred or the performance of the duties imposed upon the Syndicate by this Act or the Statutes.

Making of Ordinances.

31. (*1*) Ordinances shall be made by the Syndicate:

Provided that no Ordinance concerning the matters referred to in clauses (*i*), (*iii*), (*iv*) and (*vi*) of section 30 or any other matter connected with the maintenance of the standards of teaching and examinations within the University shall be made unless a draft of the same has been proposed by the Academic Council.

(*2*) The Syndicate shall not have power to amend any draft proposed by the Academic Council under sub-section (*1*) but may reject it or return it to the Academic Council for reconsideration, either in whole or in part, together with any amendments which the Syndicate may suggest.

(*3*) All Ordinances made by the Syndicate shall, except as provided by this Act, have effect from such date as it may direct but every Ordinance so made shall be laid before the Senate and shall be considered by the Senate at its next succeeding meeting.

(*4*) The Senate shall have power by a resolution to cancel or to refer back but not to amend any such Ordinance. The resolution cancelling any such Ordinance shall be passed by a majority of not less than two-thirds of the members present at such meeting, the majority comprising not less than one-half of the members of the Senate.

(*5*) The Vice-Chancellor shall, on the application of not less than forty members of the Senate, suspend the operation of any such Ordinance until the Senate has considered it as provided in sub-section (*3*).

Regulations and Rules.

32. (*1*) The Academic Council may, subject to the approval of the Syndicate, make regulations, consistent with this Act, the Statutes and the Ordinances providing for all matters which by this Act, the Statutes or the Ordinances are to be provided for by Regulations and for all other matters solely concerning itself.

(*2*) Any authority of the University specified in clauses (*iv*) to (*vii*) of section 15 and any other Board of the University may, subject to the approval of the Syndicate, make rules, consistent with this Act, the Statutes, Ordinances and Regulations, providing for all matters solely concerning such authority or Board.

CHAPTER VI.

Affiliation and Recognition.

Affiliation.

33. (*1*) A college applying for affiliation to the University shall send a letter of application to the Registrar, and shall satisfy the Syndicate and the Academic Council—

(*a*) that the college will supply a need in the locality, having regard to the type of education intended to be provided by the college, the existing provision for the same type of education made by other colleges in the neighbourhood, and the suitability of the locality where the college is to be established;

(*b*) that the college is to be under the management of a regularly constituted governing body;

(*c*) that the strength and qualifications of the teaching staff and the conditions governing their tenure of office are such as to make due provision for the courses of instruction, teaching or training to be undertaken by the college;

(*d*) that the buildings in which the college is to be located are suitable, and that provision will be made, in conformity with the Ordinances, for the residence in the college or in lodgings approved by the college, of students not residing with their parents or guardians, and for the supervision and welfare of students;

(*e*) that due provision has been made or will be made for a library;

(*f*) where affiliation is sought in any branch of experimental science, that arrangements have been or will be made in conformity with the Statutes, Ordinances and Regulations for imparting instruction in that branch of science in a properly equipped laboratory or museum;

(*g*) that due provision will, as far as circumstances may permit, be made for the residence of the Principal and some members of the teaching staff in or near the College or the place provided for the residence of students;

(*h*) that the financial resources of the college are such as to make due provision for its continued maintenance and efficient working; and

(*i*) that the college rules fixing the fees (if any) to be paid by the students have not been so framed as to involve such competition with any existing college in the same neighbourhood as would be injurious to the interests of education.

The application shall further contain an assurance that after the college is affiliated, any transference of management and all changes in the teaching staff and all other changes which result in any of the aforesaid requirements not being fulfilled or continued to be fulfilled shall be forthwith reported to the Syndicate.

(*2*) On receipt of a letter of application under sub-section (*1*) the Syndicate shall—

(*a*) direct a local inquiry to be made by a competent person or persons authorised by the Syndicate in this behalf in respect of the matters referred to in sub-section (*1*) and such other matters as may be deemed necessary and relevant;

(*b*) make such further inquiry as may appear to it to be necessary;

(*c*) record its opinion after consulting the Academic Council on the question whether the application should be granted or refused, either in whole or in part, stating the results of any inquiry under clauses (*a*) and (*b*), and (*d*) report to the Senate on the question whether the application should be granted or refused, either in whole or in part, embodying in such report the results of any inquiry under clauses (*a*) and (*b*) and the opinion recorded under clause (*c*).

(*3*) The Registrar shall submit the application and all proceedings, if any, of the Academic Council, the Syndicate and the Senate relating thereto to the Provincial Government which, after such inquiry as may appear to it to be necessary, shall grant or refuse the application or any part thereof.

(*4*) Where the application or any part thereof is granted, the order of the Provincial Government shall specify the courses of instruction in respect of which the college is affiliated, and, where the application or any part thereof is refused, the grounds of such refusal shall be stated.

(*5*) As soon as possible after the Provincial Government makes its order, the Registrar shall submit to the Senate a full report regarding the application, the action taken thereon under sub-sections (*2*) to (*4*) and of all proceedings connected therewith.

(*6*) An application under sub-section (*1*) may be withdrawn at any time before an order is made under sub-section (*3*).

Extension of affiliation.

34. Where a college desires to add to the courses of instruction in respect of which it is affiliated the procedure prescribed by section 33 shall, so far as may be, be followed.

Recognition of institutions of research and specialized studies.

35. (*1*) The Syndicate shall have the power, after consultation with the Academic Council, to recognize as a recognized institution any institution of research or specialized studies other than a college.

(*2*) An institution applying for recognition under this section shall send a letter of application to the Registrar and shall give full information in the letter of application in respect of the following matters, namely:—

(*a*) constitution and personnel of the managing body;

(*b*) subjects and courses in regard to which recognition is sought;

(*c*) accommodation, epuipment and the number of students for whom provision has been or is proposed to be made;

(*d*) the strength of the staff, their qualifications and salaries and the research work done by them;

(*e*) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(*3*) Before taking the application into consideration the Syndicate may call for any further information which it may deem necessary.

(*4*) If the Syndicate decides to take the application into consideration, it may direct a local inquiry to be made by a competent person or persons authorized by it in this behalf. After considering the report made as a result of such local inquiry and making such further inquiry as may appear to it to be necessary, the Syndicate shall, after consultation with the Academic Council, report to the Senate on the question whether the application should be granted or refused, either in whole or in part, embodying in such report the results of any inquiry made by it. The Senate after taking into consideration the report of the Syndicate may grant or refuse the application or any part thereof. Where the application or any part thereof is granted, the Senate shall specify the subjects and the courses of instruction in respect of which the institution is recognized and make a report to that effect to the Academic Council and the Syndicate at their next succeeding meeting. Where the application or any part thereof is refused the grounds of such refusal shall be stated.

Inspection of colleges and reports.

36. (*1*) Every affiliated college and recognized institution shall furnish such reports, returns and other information as the Syndicate after consulting the Academic Council may require to enable it to judge of the efficiency of the college or institution.

(*2*) The Syndicate shall cause every such college or institution to be inspected from time to time by one or more competent persons authorized by the Syndicate in this behalf.

(*3*) The Syndicate may call upon any college or institution so inspected to take, within a specified period, such action as may appear to it to be necessary in respect of any of the matters referred to in sub-section (*1*) of section 33 and sub-section (*2*) of section 35.

Withdrawal of affiliation.

37. (*1*) The rights conferred on a college by affiliation may be withdrawn in whole or in part or modified if the college has failed to carry out any of the provisions of sub-section (*1*) of section 33 or the college has failed to observe any of the conditions of its affiliation or the college is conducted in a manner which is prejudicial to the interests of education.

(*2*) A motion for the withdrawal or the modification of such rights shall be initiated only in the Syndicate. The member of the Syndicate who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.

(*3*) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (*2*) to the Principal of the college concerned, together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the college will be considered by the Syndicate :

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(*4*) On receipt of the representation or on the expiry of the period referred to in sub-section (*3*), the Syndicate after considering the notice of motion, statement

and representation, and after such inspection by any competent person or persons authorised by the Syndicate in this behalf, and such further inquiry as may appear to it to be necessary and after consulting the Academic Council shall make a report to the Senate.

(*5*) On receipt of the report under sub-section (*4*) the Senate shall, after such further inquiry, if any, as may appear to it to be necessary, record its opinion in the matter :

Provided that no resolution of the Senate recommending the withdrawal of affiliation shall be deemed to have been passed by it unless the resolution has obtained the support of two-thirds of the members present at a meeting of the Senate, such majority comprising not less than one-half of the members of the Senate.

(*6*) The Registrar shall submit the proposal and all proceedings, if any, of the Academic Council, the Syndicate and the Senate relating thereto, to the Provincial Government which, after such further inquiry, if any, as may appear to it to be necessary, shall make such order as it deems fit.

(*7*) Where by an order made under sub-section (*6*), the rights conferred by affiliation are withdrawn in whole or in part or modified, the grounds for such withdrawal or modification shall be stated in the order.

Withdrawal of recognition.

38. (*1*) The rights conferred on an institution by recognition may be withdrawn or suspended for any period if the institution has failed to observe any of the conditions of its recognition or the institution is conducted in a manner which is prejudicial to the interest of education.

(*2*) A motion for such withdrawal or suspension shall be initiated only in the Syndicate. The member of the Syndicate who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.

(*3*) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (*2*) to the head of the institution concerned, together with an intimation that any representation in writing submitted within a period specified in the intimation on behalf of the institution will be considered by the Syndicate :

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(*4*) On receipt of the representation or on the expiry of the period referred to in sub-section (*3*), the Syndicate after considering the notice of motion, statement and representation and after such inspection by any competent person or persons authorised by the Syndicate in this behalf, and after such further inquiry as may appear to it to be necessary and after consulting the Academic Council, shall make a report to the Senate if the Syndicate decides that the recognition should be withdrawn or suspended. No such report for withdrawal or suspension shall be made unless a resolution to that effect is supported by at least two-thirds of the members present at the meeting of the Syndicate.

(*5*) On receipt of the report under sub-section (*4*) the Senate shall, after such further inquiry, if any, as may appear to it to be necessary decide whether the recognition should be withdrawn or suspended, as the case may be :

Provided that the recognition shall not be withdrawn or suspended unless a resolution of the Senate to that effect is supported by a majority of at least two thirds of the members present at the meeting of the Senate, such majority comprising not less than one-half of the members of the Senate.

CHAPTER VII.

ORGANIZATION WITHIN THE AHMEDABAD AREA AND FOR POST-GRADUATE TEACHING.

39. (*1*) Within the University Area all post-graduate instruction, teaching and training shall be conducted by the University or by such affiliated colleges or institutions and in such subjects as may be prescribed by the Statutes. Post-graduate teaching.

(*2*) For the purpose of organizing and co-ordinating the post-graduate instruction, teaching and training in the University area, there shall be constituted a Board to be known as the Board of University Teaching. The constitution, powers and duties of the Board shall be as prescribed by the Statutes.

40. (*1*) Within a period of three years from the date on which section 3 comes into force the Senate shall determine that all instructions, teaching and training beyond the stage of Intermediate examinations shall, within the area of the City of Ahmedabad and such other contiguous area as the Senate may determine (hereinafter referred to as the Ahmedabad Area), be conducted by the University and shall be imparted by the teachers of the University. The Senate shall communicate its decision to the Provincial Government. Teaching within Ahmedabad Area.

(*2*) On receipt of the communication under sub-section (*1*), the Provincial Government may, after making such inquiry as it thinks fit, by notification in the *Official Gazette* declare that the provisions of the remaining sections of this Chapter shall come into force on such date as may be specified in the notification.

Explanation.—For the purposes of this section the City of Ahmedabad shall mean the area within the limits of the Ahmedabad Borough Municipality and after the passing of the Bombay Provincial Corporations Act, 1949, the limits of the Ahmedabad City as constituted under section 3 of the said Act. Bom LIX of 1949.

41. (*1*) All colleges within the Ahmedabad Area which are admitted to the privileges of the University under sub-section (*3*) of section 5 and all colleges within the said area which may hereafter be affiliated to the University shall be the constituent colleges of the University. Constituent Colleges and Institutions.

(*2*) All institutions within the Ahmedabad Area recognized under sections 35 and 63 shall be the constituent institutions of the University.

(*3*) No educational institution situate within the Ahmedabad Area shall, save with the consent of the University and the sanction of the Provincial Government, be associated in any way with, or seek admission to any privileges of, any other University established by law.

(*4*) The relations of the constituent colleges and constituent recognized institutions within the Ahmedabad Area shall be governed by the Statutes to be made in that behalf, and such Statutes shall provide in particular for the exercise by the University of the following powers in respect of the constituent degree colleges and constituent recognized institutions :—

(*i*) to lay down minimum educational qualifications for the different classes of teachers and tutorial staff employed by such colleges and institutions and the conditions of their service ;

(*ii*) to approve the appointments of the teachers made by such colleges and institutions ;

(*iii*) to require each such college and institution to contribute a prescribed quota of recognized teachers in any subject for teaching on behalf of the University ;

(*iv*) to co-ordinate and regulate the facilities provided and expenditure incurred by such colleges and institutions in regard to libraries, laboratories and other equipments for teaching and research;

(*v*) to require such colleges and institutions, when necessary, to confine the enrolment of students to certain subjects;

(*vi*) to levy contributions from such colleges and institutions and make grants to them; and

(*vii*) to require satisfactory arrangements for tutorial and similar other work in such colleges and institutions and to inspect such arrangements from time to time:

Provided that a constituent degree college or a constituent recognized institution shall supplement such teaching by tutorial or other instruction, teaching or training in a manner to be prescribed by the Regulations to be made by the Academic Council.

(*5*) Subject to the provisions of the Statutes, the Board of University Teaching shall organize and co-ordinate the instruction, teaching and training within the Ahmedabad Area.

CHAPTER VIII.

ENROLMENT AND DEGREES.

Qualification for enrolment of students of the University.

42. No student shall be enrolled as a student of the University unless he has passed—

(*i*) the Secondary School Certificate Examination conducted by the Secondary School Certificate Examination Board in such subjects and with such standards of attainment as may be prescribed by the Statutes, or

(*ii*) the Entrance Examination, if any, which may be instituted by the University with the consent of the Provincial Government, and held in such subjects and in such manner as may be prescribed by the Statutes, or

(*iii*) any other examination prescribed as equivalent to the examinations referred to in clauses (*i*) and (*ii*),

and possesses such further qualification, if any, as may be prescribed by the Statutes.

Residence of students.

43. Every student of the University shall reside in a hostel or under such conditions as may be prescribed by the Ordinances.

Degrees, titles, diplomas and other academic distinctions.

44. The Senate may institute and confer such degrees, titles, diplomas and other academic distinctions as may be prescribed by the Statutes.

Honorary degree.

45. If not less than two-thirds of the members of the Syndicate recommend that an honorary degree, title or other academic distinction be conferred on any person on the ground that he is in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such degree, title or other academic distinction and where their recommendation is supported by a majority of not less than two-thirds of the members of the Senate present at a meeting of the Senate, such majority comprising not less than one-half of the members of the Senate, and the recommendation is confirmed by the Chancellor, the Senate may confer on such person the honorary degree, title or other academic distinction so recommended without requiring him to undergo any examination.

Removal from membership of University and withdrawal of degree or diploma.

46. (*1*) The Chancellor may, on the recommendation of the Syndicate and of the Senate supported by a majority of not less than two-thirds of the members of each body present at its meeting, such majority comprising not less than one-half of the members of each body, remove the name of any person from the register of graduates or withdraw from any person a diploma or degree if he has been convicted by a Court of Law of any offence which, in the opinion of the Syndicate and the Senate, is a serious offence involving moral turpitude or if he has been guilty of scandalous conduct.

(*2*) No action under this section shall be taken unless the person concerned is given an opportunity to be heard in his defence in the manner prescribed by the Statutes.

CHAPTER IX.

COMMITTEES.

47. All the authorities of the University shall have power to appoint committees. Such committees may include persons who are not members of the authority appointing the committee. **Committees.**

CHAPTER X.

FINANCE.

48. (*1*) The University shall establish a fund to be called the University Fund. **University Fund.**

(*2*) The following shall form part of, or be paid into, the University Fund :—

(*a*) any contribution or grant by the Provincial Government,

(*b*) the income of the University from all sources including income from fees and charges,

(*c*) bequests, donations, endowments and other grants, if any.

II of 1934. 11 of 1882. (*3*) The University Fund shall be kept in any scheduled bank, as defined in the Reserve Bank of India Act, 1934, or invested in securities authorized by the Indian Trusts Act, 1882, at the discretion of the Syndicate.

49. (*1*) The annual accounts of the University shall be prepared under the direction of the Syndicate and shall be submitted to the Provincial Government for audit. **Annual accounts and financial estimates.**

(*2*) The accounts when audited shall be published by the Syndicate in the *Official Gazette* and copies thereof shall, together with the copies of the Audit Report, be submitted to the Senate and to the Provincial Government.

(*3*) The Syndicate shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year.

(*4*) The annual accounts and the financial estimates shall be considered by the Senate at its annual meeting and the Senate may pass resolution with reference thereto and communicate the same to the Syndicate which shall take them into consideration and take such action thereon as it thinks fit, and finally adopt the accounts and financial estimates. The Syndicate shall inform the Senate at its next meeting of the action taken by it or of its reasons for taking no action.

50. The Annual Report of the University shall be prepared under the direction of the Syndicate and shall be submitted to the Senate on or before such date as may be prescribed by the Statutes and shall be considered by the Senate at the annual meeting. The Senate may pass resolutions thereon and communicate the same to the Syndicate which may take such action as it thinks fit; and the Syndicate shall inform the Senate at its next meeting of the action taken by it or of its reasons for taking no action. **Annual Report.**

CHAPTER XI.

SUPPLEMENTARY PROVISIONS.

51. Save as otherwise provided by or under this Act, every salaried officer and teacher of the University shall be appointed under a written contract. The contract shall be lodged with the Registrar of the University and a copy thereof shall be furnished to the officer or teacher concerned. **Conditions of service.**

Tribunal of Arbitration.

52. Any dispute arising out of a contract between the University and any officer or teacher of the University shall, on the request of the officer or teacher concerned, be referred to a Tribunal of Arbitration consisting of one member appointed by the Syndicate, one member nominated by the officer or teacher concerned and an umpire appointed by the Chancellor. The decision of the Tribunal shall be final and no suit shall lie in any Civil Court in respect of the matter decided by the Tribunal. Every such request shall be deemed to be submission to arbitration upon the terms of this section within the meaning of the Indian Arbitration Act, 1940, and the provisions of that Act shall apply accordingly. X of 1940.

Pension, Insurance and Provident Fund.

53. The University shall make adequate provisions for the benefit of its officers, teachers and other servants in matters of insurance, pension and provident fund or for other benefits as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

Election to be by distributive vote.

54. Every election to the Senate, the Syndicate and the Academic Council and every recommendation for the nomination to the office of the Vice-Chancellor under this Act shall be made according to the distributive system of voting.

Explanation.—The distributive system of voting means a system of voting in which every voter shall be entitled to give as many votes as there are seats to be filled :

Provided that no voter shall give more than one vote to any one candidate :

Provided further that no voting paper shall be deemed to be valid unless the voter has recorded all the votes which he is entitled to give.

Vacating of office.

55. (*1*) Any member of any authority or body of the University may resign his office by letter addressed to the Registrar.

(*2*) Any member of any authority or body of the University shall cease to be a member on his being convicted by a Court of Law of an offence which involves moral turpitude.

Filling of casual vacancies.

56. When any vacancy occurs in the office of a member (other than an *ex-officio* member) of any authority or other body of the University before the expiry of the term of office of such member, the vacancy shall be filled up, as soon as conveniently may be, by the election, nomination, appointment or co-option, as the case may be, of a member who shall hold office so long only as the member in whose place he has been elected, nominated, appointed or co-opted, would have held it, if the vacancy had not occurred :

Provided that, if the vacancy be of an elected member of the Senate and occurs within six months preceding the date on which the term of office of such member expires, the vacancy shall not be filled.

Proceedings not invalidated by vacancies.

57. No act or proceeding of any authority or other body of the University shall be invalidated merely by reason of any vacancy in its membership.

Disputes as to constitutions of University authority or body.

58. If any question arises regarding the interpretation of any provision of this Act, or of any Statute, Ordinance, Regulation or Rule, or as to whether a person has been duly elected or appointed as, or is entitled to be or ceases to be entitled to be, a member of any authority or other body of the University, the matter may be referred to the Chancellor and shall be so referred to him if twenty members of the Senate so require. The Chancellor shall, after taking such advice as he deems necessary, decide the question and his decision shall be final.

59. All acts and orders in good faith done and passed by the University or any of its authorities, bodies or officers shall be final and no suit shall be instituted against or damage claimed from the University or its authorities, bodies or officers for anything purporting to be done in pursuance of the Act and the Statutes, Ordinances, Regulations and Rules framed thereunder. Protection of acts and orders.

CHAPTER XII.

TRANSITORY PROVISIONS.

60. Notwithstanding anything contained in this Act, or the Statutes, Ordinances and Regulations made thereunder, any student of a college situate within the University area and affiliated to the University of Bombay who immediately before the date on which section 5 came into force was studying or was eligible for any examination of the University of Bombay shall be permitted to complete his course in preparation therefor, and the University shall provide for such period and in such manner as may be prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with the course of studies of the University of Bombay. Completion of courses of students in Colleges affiliated to the Bombay University.

61. Notwithstanding anything contained in section 10, the first Vice-Chancellor shall be appointed by the Provincial Government as soon as practicable after the passing of this Act for a period not exceeding two years and on such terms and conditions as the Provincial Government thinks fit. Appointment of first Vice-Chancellor.

62. Notwithstanding anything contained in section 13, the first Registrar shall be appointed by the Provincial Government as soon as practicable after the passing of this Act for a period not exceeding three years and on such conditions as the Provincial Government thinks fit. Appointment of first Registrar.

63. (*1*) It shall be the duty of the first Vice-Chancellor— Transitory powers of first Vice-Chancellor.

(*a*) to give recognition to institutions, if any, as far as possible consistently with the provisions of section 35, and

(*b*) to make arrangements for constituting the Senate, the Syndicate, the Academic Council and other authorities of the University,

within six months after the date of his appointment or such longer period not exceeding one year as the Provincial Government may, by notification in the *Official Gazette*, direct.

(*2*) The first Vice-Chancellor shall with the assistance of the Advisory Committee consisting of not more than fifteen members nominated by the Provincial Government—

(*a*) subject to the provisions of the Act and the approval of the Chancellor,—

(*i*) make provisional Statutes necessary for constituting the aforesaid authorities and regulating the procedure at their meetings and the transaction of their business,

(*ii*) draw up any rules that may be necessary for regulating the method of election to the aforesaid authorities,

(*b*) frame the first Statutes, Ordinances and Regulations under this Act and submit them for confirmation to the respective authorities when they commence to exercise their functions.

(*3*) The authorities constituted under sub-section (*1*) shall commence to exercise their functions on such date or dates as the Provincial Government may, by notification in the *Official Gazette*, direct.

(*4*) The Statutes, Ordinances and Regulations framed by the first Vice-Chancellor shall, when confirmed by the respective authorities, be published in the *Official Gazette*.

First appointment of the officers and teachers of the University.

64. (*1*) At any time after the passing of this Act until such time as the authorities of the University shall commence to exercise their functions—

(*a*) any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the Chancellor,

(*b*) teachers of the University may be appointed by the Chancellor after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, the Director of Public Instruction and such other person or persons, if any, as the Chancellor thinks fit to associate with them.

(*2*) Any appointment made under sub-section (*1*) shall be for such period not exceeding three years and on such conditions as the appointing authority thinks fit:

Provided that no such appointment shall be made until financial provision has been made therefor.

Extraordinary powers of the first Vice-Chancellor.

65. The Vice-Chancellor appointed under section 61 shall have powers until the Syndicate commences to exercise its functions—

(*a*) with the previous approval of the Chancellor to make additional Statutes to provide for any matter not provided for by the first Statutes,

(*b*) to constitute provisional authorities and bodies and on their recommendations to make rules providing for the conduct of the work of the University,

(*c*) subject to the control of the Provincial Government to make such financial arrangements as may be necessary to enable this Act or any part thereof to be brought into force,

(*d*) with the sanction of the Chancellor to make for a period not exceeding three years such appointments as may be necessary to enable this Act or any part thereof to be brought into force,

(*e*) to appoint any Committee as he may think fit, to discharge such of his functions as he may direct, and

(*f*) generally to exercise all or any of the powers conferred on the Syndicate by or under the provisions of this Act.

Removal by Provincial Government of difficulties at the commencement of the Act.

66. If any difficulty arises as to the first constitution or re-constitution of any authority of the University after the coming into force of this Act or otherwise in first giving effect to the provisions of this Act, the Provincial Government, as occasion may require, may by order do anything which appears to it necessary for the purpose of removing the difficulty.

SCHEDULE.

[See section 2 (*15*).]

1. Ahmedabad District.
2. Kaira District.
3. Panch Mahals District.
4. Broach District.
5. Surat District.
6. Sabar Kantha District.
7. Banas Kantha District.
8. Baroda District excluding the area comprising the limits of the City of Baroda and territories within a radius of ten miles from the office of the Maharaja Sayajirao University of Baroda.
9. Mehsana District.
10. Amreli District.

THE SHREEMATI NATHIBAI DAMODAR THACKERSEY WOMEN'S UNIVERSITY ACT, 1949.

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54. Transfer of colleges and high-schools and their properties to University.
55. Appointment of Vice-Chancellor.
56. Appointment of first Registrar.
57. Transitory powers of first Vice-Chancellor.
58. First appointment of officers and teachers of University.
59. Extra-Ordinary powers of first Vice-Chancellor.
60. Removal by Provincial Government of difficulties at commencement of Act.
61. Saving.
62. Dissolution of Society known as S. N. D. T. Indian Women's University and transfer of all property to University.

SCHEDULE.

BOMBAY ACT No. LI OF 1949.[1]

[THE SHREEMATI NATHIBAI DAMODAR THACKERSEY WOMEN'S UNIVERSITY ACT, 1949.]

[*23rd November 1949*]

An Act to recognize Women's University in the Province of Bombay to be known as the " Shreemati Nathibai Damodar Thackersey Women's University ".

WHEREAS a society known as the Shreemati Nathibai Damodar Thackersey Indian Women's University has been registered under the Societies Registration Act, 1860, and is maintaining women's colleges in the cities of Bombay and Poona ;

XXI of 1860.

AND WHEREAS the said society through its Chancellor has requested the Provincial Government to initiate legislation for the purpose of obtaining statutory recognition ;

AND WHEREAS in response to the said request the Provincial Government appointed a committee to report on the question and the said committee has made a report suggesting that the legislation giving recognition should provide for certain matters ;

AND WHEREAS the Provincial Government having considered the said report has come to the conclusion that an enactment should be passed for the purpose according statutory recognition to the said society and to establish

[1]For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V page 689.

the same as a University for imparting higher education to women specially suited to their needs and requirements; It is hereby enacted as follows :—

CHAPTER I.

Preliminary.

Short title and commencement.

1. (*1*) This Act may be called the Shreemati Nathibai Damodar Thackersey Women's University Act, 1949.

(*2*) This section shall come into force at once.

(*3*) The Provincial Government may, by notification in the *Official Gazette*, direct that all or any of the remaining provisions of this Act shall come into force on such date or dates as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Affiliated" means admitted or deemed to have been admitted to the privileges of the University under section 5 or affiliated under section 27;

(*2*) "College" means an affiliated college;

(*3*) "Consent decree" means the consent decree passed by the High Court of Bombay in exercise of its ordinary original jurisdiction in civil suit No. 255 of 1935;

(*4*) "High School" means a high school which has been conducted or recognized by the University;

(*5*) "Hostel" means a unit of residence for students maintained or recognized by the University under this Act;

(*6*) "Principal" means the head of a college;

(*7*) "Recognized institution" means an institution for research or specialized studies other than an affiliated college and recognized as such by the University;

(*8*) "Registered graduate" means a graduate registered under the provisions of this Act;

(*9*) "Society" means the Shreemati Nathibai Damodar Thackersey Indian Women's University registered under the Societies Registration Act, 1860, and dissolved under this Act; XXI of 1860.

(*10*) "Statutes" and "Ordinances" mean respectively the Statutes and Ordinances of the University made under this Act and for the time being in force;

(*11*) "Teachers" means professors, readers, lecturers, and such other persons imparting instruction in the University, an affiliated college or a recognized institution as may be declared to be teachers by the Statutes;

(*12*) "Teachers of the University" means teachers appointed or recognized by the University for imparting instruction on its behalf;

(*13*) "University" means the Shreemati Nathibai Damodar Thackersey Women's University constituted under this Act.

CHAPTER II.

The University.

Incorporation of University.

3. (*1*) The Chancellor, the Vice-Chancellor of the University and the members of the Senate and the Syndicate of the University and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "The Shreemati Nathibai Damodar Thackersey Women's University".

(*2*) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(*3*) The University shall be competent to acquire and hold property, both moveable and immovable, to lease, sell or otherwise transfer any moveable or immovable property which may have become vested in or been acquired by it for the purposes of the University and to contract and to do all other things necessary for the purposes of this Act.

(*4*) For the purposes of this Act, the University shall be deemed to have been established from the date on which the provisions of this section shall come into force.

Powers, duties and functions of University.

4. Subject to such conditions as may be prescribed by or under the provisions of this Act, the University shall have the following powers, duties and functions, namely:—

(*1*) to manage and control all such educational institutions as may be or may have been deemed to be established for the purpose of imparting higher education to women specially suited to their needs and requirements;

(*2*) to provide for instruction, teaching and training in such branches of learning and courses of study as it may think fit and to make provision for research and dissemination of knowledge;

(*3*) to establish, maintain and manage colleges, departments and institutes of research or specialized studies;

(*4*) to institute professorships, readerships, lecturerships and any other posts of teachers required by the University;

(*5*) to appoint or recognize persons as professors, readers or lecturers or otherwise as teachers of the University;

(*6*) to lay down the courses of instruction for various examinations;

(*7*) to guide the teaching in affiliated colleges or recognized institutions;

(*8*) to institute degrees, titles, diplomas and other academic distinctions;

(*9*) to hold examinations and confer degrees, titles, diplomas and other academic distinctions on persons who—

(*a*) have pursued approved courses of study in the University or in an affiliated college unless exempted therefrom in the manner prescribed by the Statutes and Ordinances and have passed the examinations prescribed by the University:

Provided that with the previous sanction of the Provincial Government the Senate may make provision for examining and conferring degrees upon women who have not pursued a course of studies in the University or in an affiliated college; or

(*b*) have carried on research under conditions prescribed by the Statutes;

(*10*) to confer honorary degrees, titles or other academic distinctions in the manner laid down by the Statutes;

(*11*) to grant such diplomas to, and to provide such lectures, instruction and training, for persons not being enrolled students of the University as the University may determine by the Statutes and Ordinances;

(*12*) to admit educational institutions to the privileges of the University and to withdraw such privileges;

(*13*) to inspect colleges and recognized institutions and to take measures to ensure that proper standards of instruction, teaching or training are maintained in them;

(*14*) to control and co-ordinate the activities of, and give financial aid to, affiliated colleges and recognized institutions;

(*15*) to hold and manage endowments and to institute and award fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes;

(*16*) to make special provision for the spread of university education among classes and communities which are educationally backward;

(*17*) to fix, to demand and to receive such fees and other charges as may be prescribed by the Statutes;

(*18*) to establish, maintain and manage hostels;

(*19*) to recognize hostels not maintained by the University, to inspect such hostels and to withdraw recognition therefrom;

(*20*) to supervise and control the residence, conduct and discipline of the students of the University and to make arrangements for promoting their health and general welfare;

(*21*) to make provision—

(*a*) for extra-mural teaching and research,

(*b*) for physical training and military training,

(*c*) for students' unions,

(*d*) for sports and athletic clubs;

(*e*) for employment Bureau, and to make grants from the funds of the University to colleges, high schools and hostels recognized by the University;

(*22*) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine;

(*23*) to do all such acts and things whether incidental to the powers aforesaid or not as may be requisite in order to further the objects of the University and generally to cultivate and promote arts, science and other branches of learning and culture; and

(*24*) save as otherwise expressly provided by or under the provisions of this Act, but subject to the provisions thereof, to exercise or perform all such powers, duties and functions as are required to be exercised or performed under the provisions of the consent decree.

Admission to privileges and jurisdiction.

5. (*1*) Notwithstanding anything contained in any law for the time being in force, with effect from the date on which this section comes into force all educational institutions conducted by or admitted to the privileges of the society shall be deemed to be admitted to the privileges of the University; and the University shall, as far as may be possible and consistent with this Act, admit such institutions to all such privileges as they had from the society immediately before such date.

(*2*) Any educational institution in the Province of Bombay or in other territories may, subject to such conditions and restrictions as the University and the Provincial Government think fit to impose, be admitted to the privileges of the University.

Membership of authorities of University open to all irrespective of sex, religion, class, creed or opinion.

6. (*1*) No person shall be excluded from any office of the University or from membership of any of its authorities on the sole ground of race, creed, class, religious belief or political or other opinion.

(*2*) It shall not be lawful for the University to impose on any person any test whatsoever relating to race, creed, class, religious belief or profession of political or other opinion in order to entitle him to be admitted as a teacher or to hold any office or post in the University.

Inspection and inquiry.

7. (*1*) The Chancellor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipment, of any institution, college or hostel maintained, recognized by or affiliated to, the University, of the teaching and other work conducted by the University and of the conduct of examinations held by the University ; and to cause an inquiry to be made in respect of any matter connected with the University. The Chancellor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(*2*) The Chancellor shall communicate to the Senate and to the Syndicate his views with reference to the results of such inspection or inquiry and shall, after ascertaining the opinion of the Senate and the Syndicate thereon, advise the University on the action to be taken.

(*3*) The Syndicate shall report to the Chancellor such action, if any, as it has taken or may propose to take upon the results of the inspection or inquiry. Such report shall be submitted with the opinion of the Senate thereon and within such time as the Chancellor may direct.

(*4*) Where the Syndicate does not within a reasonable time take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Syndicate, issue such directions as he may think fit and the Syndicate shall comply with such directions.

(*5*) The Provincial Government may, whenever it deems fit, cause a like inspection or inquiry to be made in the manner described in sub-sections (*1*) to (*3*) and shall have, for the purposes of such inspection or inquiry, all the powers of the Chancellor under the said sub-sections.

CHAPTER III.

Officers of the University.

Officers of University.

8. The following shall be the officers of the University namely :—

(i) the Chancellor,

(ii) the Vice-Chancellor,

(iii) the Deans of Faculties,

(iv) the Registrar, and

(v) such other officers in the service of the University as may be declared by the Statutes to be officers of the University.

9. (*1*) The Governor of Bombay for the time being shall be the Chancellor of the University: **Chancellor.**

Provided that after the expiry of the first five years from the date of the establishment of the University, the Chancellor shall be a person elected by the Senate in such manner as may be prescribed by the Statutes. The Chancellor so elected shall hold office for a term of three years.

(*2*) The Chancellor elected by the Senate shall be an honorary officer.

(*3*) The Chancellor shall, by virtue of his office, be the head of the University and the president of the Senate and shall, when present, preside at the meetings of the Senate and at any convocation of the University.

(*4*) The Chancellor shall have such other powers as may be conferred on him by this Act or the Statutes.

10. (*1*) Subject to the confirmation of the Chancellor, the Vice-Chancellor shall be elected by the Senate from among three persons recommended by a majority of the members of the Syndicate present at the meeting. Such recommendation shall be made according to the distributive system of voting. **Vice-Chancellor.**

(*2*) The Vice-Chancellor shall hold office for a term of three years.

(*3*) Where any temporary vacancy in the office of the Vice-Chancellor occurs by reason of leave, illness or other cause, the Syndicate shall, as soon as possible, subject to the approval of the Chancellor, make such arrangements for carrying on the duties of the office of the Vice-Chancellor as it may think fit. Until such arrangements are made, the Dean nominated by the Chancellor for that purpose shall carry on the current duties of the office of the Vice-Chancellor.

(*4*) The Vice-Chancellor shall be an honorary officer. The Senate may determine the honoraria to be paid to such officer and prescribe the conditions subject to which such office shall be held.

11. (*1*) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the Chancellor, preside at meetings of the Senate and any convocation of the University. He shall be an *ex-officio* member and the Chairman of the Syndicate. He shall be entitled to be present, with the right to speak, at any meeting of any other authority or body of the University, but shall not be entitled to vote thereat unless he is a member of that authority or body. While presiding at a meeting of any authority or body of which he is a member he shall have a second or casting vote in the event of an equality of votes. **Powers of Vice-Chancellor.**

(*2*) The Vice-Chancellor shall have the power to convene meetings of the Senate and the Syndicate. He may delegate this power to any other officer of the University.

(*3*) It shall be the duty of the Vice-Chancellor to ensure that this Act, the Statutes and Ordinances are faithfully observed and he shall have all powers necessary for this purpose.

(*4*) (*a*) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, he shall take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officer, authority or body as would have in the ordinary course dealt with the matter.

(*b*) When action taken by the Vice-Chancellor under this sub-section affects any person in the service of the University such person shall be entitled to prefer an appeal through the said officer, authority or body to the Syndicate within fifteen days from the date on which such action is communicated to him.

(*5*) The Vice-Chancellor shall give effect to the orders of the Syndicate regarding the appointment, dismissal and suspension of the persons in the service of the University or teachers of the University or regarding the recognition or withdrawal of the recognition of any such teacher and shall exercise general control over the affairs of the University. He shall be responsible for the discipline of the University in accordance with this Act, the Statutes and Ordinances.

(*6*) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes and Ordinances.

Registrar.

12. The Registrar shall be a wholetime salaried officer and shall act as the Secretary of the Senate and of the Syndicate. He shall be appointed by the Syndicate in accordance with the Ordinances; and his emoluments and conditions of service shall be determined by the Ordinances. He shall exercise such powers and perform such duties as may be prescribed by the Ordinances.

Rector and other officers.

13. (*1*) The Senate may create the office of the Rector by a Statute. The Rector shall be a wholetime salaried officer and shall be appointed by the Syndicate. His emoluments and conditions of service shall be determined by Statutes. He shall exercise such powers and perform such duties as may be prescribed by the Statutes or Ordinances.

(*2*) The powers and duties of the officers of the University referred to in clause (v) of section 8 shall be such as may be prescribed by the Statutes and Ordinances.

CHAPTER IV.

Authorities of the University.

Authorities of University.

14. The following shall be the authorities of the University, namely :—

(i) The Senate,

(ii) The Syndicate,

(iii) The Faculties,

(iv) The Boards of Studies, and

(v) Such other authorities of the University as may be declared by the Statutes to be the authorities of the University.

Senate.

15. (*1*) The Senate shall consist of the following members :—

CLASS I—*Ex-Officio members.*

(A) (i) The Chancellor,

(ii) The Vice-Chancellor,

(iii) The Rector (if any),

(iv) Ex-Chancellors and ex-Vice-Chancellors of the society and ex-Vice-Chancellors of the University,

(v) The Deans of Faculties,

(vi) The Registrar.

(B) (i) The Minister of Education, Bombay, or an officer of Government nominated in this behalf by the Minister,

(ii) The Director of Public Instruction, Bombay Province,

(iii) The Director of Industries, Bombay,

(iv) The Surgeon General with the Government of Bombay,

(v) The Vice-Chancellors of other Universities established by law in the Province of Bombay,

(vi) The Secretary, the Additional Secretary or the Joint Secretary to the Department of Education as the Provincial Government may determine,

(vii) The Director, J. J. School of Arts, Bombay,

(viii) The Joint Registrar for Industrial Co-operatives and Village Industries.

(C) (i) Heads of University Departments,

(ii) Principals of affiliated colleges and of colleges maintained and conducted by the University,

(iii) Heads of Recognized institutions,

(iv) Heads of such institutions as may be designated by the Statutes,

(v) Such other *ex-officio* members not exceeding five as may be designated by the Statutes.

CLASS II—*Ordinary members.*

(A) Elected as specified below :—

(i) one member by the Bombay Legislative Council,

(ii) two members by the Bombay Legislative Assembly,

(iii) one member by the Municipal Corporation for the City of Bombay,

(iv) one member by the Indian Merchants' Chamber,

(v) ten members by Registered Graduates.

(B) Eleven members nominated by the Chancellor, one of whom shall be a descendant of Damodar Thackersey.

(C) Donors to, or for the purpose of, the University, of money or property of the value of not less than one lakh of rupees.

Such donors shall, if willing to serve, be members for a period of twenty years from the date of the acceptance by the Senate of any such donation.

(D) One nominee of each of the bodies giving a donation to, or for the purpose of, the University, of money or property of the value of not less than one lakh of rupees :

Provided that the right of making such nomination and, subject also to the provisions of section 47, the tenure of such nominee shall not extend beyond the period of twenty years from the date of the acceptance by the Senate of any such donation.

Explanation.—For the purposes of paragraphs (C) and (D), the value of the property means the market value of the property at the date of acceptance of the donation by the Senate.

(E) Such number of members not exceeding three as may be fixed by the Statutes, to be elected from among themselves by donors to the University each donating less than one lakh of rupees but not less than ten thousand rupees. The term of office of such members shall be as prescribed by the Statutes.

CLASS III—*Members from electoral bodies.*

Elected as specified below :—

(i) five members by such Women's Educational Associations or bodies in the Bombay Province as may be designated by the Statutes,

(ii) five members by teachers of the University,

(iii) five members by teachers in affiliated colleges,

(iv) five members by women who have passed the Matriculation or the Entrance Examination of any University established by law in the Dominion of India or such other equivalent or higher examination of any bodies or institutions as may be prescribed by Statutes and who contribute Rs. 5 annually or Rs. 150 in one lump sum or by instalments extending over a period not exceeding six years, towards the funds of the University,

(v) five members by persons who immediately before the commencement of this Act—

(*a*) have been life members of the association or body referred to in (i) above ;

(*b*) have each subscribed a donation of Rs. 10,000 or more to any such association or body :

Provided that every person elected under clauses (i) to (iv) of paragraph (A) in Class II and under clauses (ii) and (iii) in Class III shall continue to hold the office of a member of the Senate only so long as he is a member of the electing body or a teacher of the University or a teacher in an affiliated college, as the case may be.

CLASS IV—*Special members.*

(i) Shrimati Premlila Thackersey,

(ii) Dr. Dhondo Keshav Karve.

(*2*) The term of office of the elected members and of the members in paragraph (B) in Class II shall be five years.

Meeting of Senate.

16. (*1*) The Senate shall, on a date to be fixed by the Chancellor, meet once a year at a meeting to be called the annual meeting of the Senate.

(*2*) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than twenty-five members of the Senate, convene a special meeting of the Senate.

Powers, duties and functions of Senate.

17. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Senate shall exercise the following powers and perform the following duties and functions, namely :—

(i) to make provision for instruction, teaching and training in such branches of learning and courses of study as it may think fit, for research and for the advancement and dissemination of knowledge ;

(ii) to make such provision as will enable affiliated colleges and recognized institutions to undertake specialization of studies ;

(iii) to establish and maintain colleges, departments and institutes of research and specialized studies ;

(iv) to institute professorships, readerships, lecturerships and any other post of teachers required by the University ;

(v) to institute fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes ;

(vi) to institute and confer degrees, titles, diplomas and other academic distinctions ;

(vii) to confer, on the recommendation of the Syndicate, honorary degrees, titles or other academic distinctions ;

(viii) to make, amend or repeal the Statutes ;

(ix) to consider and pass resolutions on the annual reports, annual accounts and financial estimates ;

(x) to consider the annual financial estimates prepared by the Syndicate and pass resolutions with reference thereto ;

(xi) to elect office-bearers and authorities as provided in the Act and the Statutes ;

(xii) to prescribe the qualifications of professors, readers and lecturers in affiliated colleges and recognized institutions and conditions of their service ;

(xiii) to exercise such other powers and perform such other duties and functions as may be conferred or imposed upon it or required to be performed by this Act or the Statutes and Ordinances.

Syndicate.

18. (*1*) The Syndicate shall be the executive authority as well as the Academic body of the University.

(*2*) The constitution of the Syndicate shall be as prescribed by the Statutes.

(*3*) The Syndicate shall have power to make Ordinances.

Faculties and Deans of Faculties.

19. (*1*) The University shall include the Faculties of Arts (including social sciences and commerce), Science (including Domestic Science), Nursing, Fine Arts and Education and such other Faculties as may be prescribed by the Statutes. Each Faculty shall comprise such subjects as may be prescribed by the Statutes.

(2) The constitution, duties and powers of each Faculty shall be as prescribed by the Statutes.

(3) There shall be a Dean of Faculty who shall be elected by the Faculty from amongst its members. The term of office of a Dean shall be as prescribed by a Statute.

Board of studies.

20. (1) There shall be a Board of studies for every subject or group of subjects as may be prescribed by the Statutes.

(2) The constitution, duties and powers of each Board shall be as prescribed by the Statutes.

Other authorities.

21. The constitution, powers and duties of such other bodies as may be declared by the Statutes to be authorities of the University shall be prescribed by the Statutes.

CHAPTER V.

Statutes.

Statutes.

22. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :—

(i) conferment of honorary degrees;

(ii) holding of convocations to confer degrees;

(iii) powers and duties of the officers of the University;

(iv) institution and maintenance by the University of colleges, departments, institutes of research or specialized studies and hostels;

(v) acceptance and management of bequests, donations and endowments;

(vi) registration of graduates and maintenance of a register of registered graduates;

(vii) procedure at meetings of the authorities of the University and for the transaction of their business;

(viii) qualifications of professors, readers, lecturers and teachers in affiliated colleges and recognized institutions and their conditions of service;

(ix) constitution, powers and duties of the authorities of the University, save as provided by this Act;

(x) the conditions to be complied with by schools desiring recognition for the purpose of sending up pupils as candidates for the Entrance Examination of the University;

(xi) the conditions to be complied with by schools desiring recognition for the purpose of sending up pupils as candidates for the Secondary School Certificate Examination.

Explanation.—For the purposes of this clause, "schools" shall mean schools in such of the Indian States as the Provincial Government may specify in this behalf;

(xii) the conditions to be complied with by candidates for the Entrance Examination whether sent up by recognized schools or not;

(xiii) all matters which by this Act are to be or may be prescribed by the Statutes.

Statutes, their making, amendment, repeal and operation.

23. (*1*) The Statutes may be made by the Senate or may be amended, repealed or added to by Statutes made by the Senate in the manner hereinafter provided.

(*2*) The Senate may take into consideration the draft of a Statute either of its own motion or on a proposal by the Syndicate.

(*3*) The Syndicate may propose to the Senate draft of any Statute to be passed by the Senate.

(*4*) Such draft shall be considered by the Senate at its next succeeding meeting. The Senate may approve such draft and pass the Statute or may reject it or return it to the Syndicate for reconsideration either in whole or in part together with any amendments which the Senate may suggest. After any draft so returned has been further considered by the Syndicate together with any amendments suggested by the Senate, it shall be again presented to the Senate with the report of the Syndicate thereon and the Senate may then deal with the draft in any manner it thinks fit.

(*5*) Every Statute passed by the Senate shall be submitted to the Chancellor who may give or withhold his assent thereto or refer it back to the Senate for consideration.

(*6*) No Statute passed by the Senate shall have validity until assented to by the Chancellor.

Ordinances.

24. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Syndicate may make Ordinances to provide for all or any of the following matters :—

(i) conditions under which students shall be admitted to courses of studies for degrees, titles, diplomas and other academic distinctions;

(ii) conditions of residence, conduct and discipline of students of the University;

(iii) conduct of examinations;

(iv) recognition of hostels;

(v) recognition of teachers of the University;

(vi) inspection of affiliated colleges, recognized institutions and hostels;

(vii) mode of execution of contracts or agreements for, or on behalf of, the University;

(viii) rules to be observed and enforced by colleges and recognized institutions in respect of transfer of students;

(ix) all matters which by this Act or the Statutes are to be or may be provided for by the Ordinances; and

(x) generally all matters for which provision is, in the opinion of the Syndicate, necessary for the exercise of the powers conferred or the performance of the duties imposed upon the Syndicate by this Act or the Statutes.

Making of Ordinances.

25. (*1*) Ordinances shall be made by the Syndicate.

(*2*) All Ordinances made by the Syndicate shall, except as provided by this Act, have effect from such date as it may direct but every Ordinance so made shall be laid before the Senate and shall be considered by the Senate at its next succeeding meeting.

(*3*) The Senate shall have power by a resolution to cancel or to refer back but not to amend any such Ordinance. The resolution shall be passed by a majority of not less than two-thirds of the members present at such meeting, the majority comprising not less than one-half of the members of the Senate.

(*4*) The Vice-Chancellor shall, on the application of not less than fifty members of the Senate suspend the operation of any such Ordinance until the Senate has considered it as provided in sub-section (*3*).

Rules.

26. Any authority of the University specified in clauses (iii) to (v) of section 14 and any other Board of the University may, subject to the approval of the Syndicate, make rules, consistent with this Act, the Statutes and Ordinances, providing for all matters solely concerning such authority or Board.

CHAPTER VI.

Affiliation and Recognition.

Affiliation.

27. (*1*) A college applying for affiliation to the University shall send a letter of application to the Registrar and shall satisfy the Syndicate—

(*a*) that the college will supply a need in the locality, having regard to the type of education intended to be provided by the college, the existing provision for the same type of education made by other colleges in the neighbourhood, and the suitability of the locality where the college is to be established;

(*b*) that the college is to be under the management of a regularly constituted governing body;

(*c*) that the strength and qualifications of the teaching staff and the conditions governing their tenure of office are such as to make due provision for the courses of instruction, teaching or training to be undertaken by the college;

(*d*) that the buildings in which the college is to be located are suitable, and that provision will be made, in conformity with the Ordinances, for the residence in the college or in lodgings approved by the college, of students not residing with their parents or guardians, and for the supervision and welfare of students;

(*e*) that due provision has been made or will be made for library;

(*f*) where affiliation is sought in any branch of experimental science, that arrangements have been or will be made in conformity with the Statutes and Ordinances for imparting instruction in that branch of science in a properly equipped laboratory or museum;

(*g*) that due provision will, as far as circumstances may permit, be made for the residence of the Principal and some members of the teaching staff in or near the college or the place provided for the residence of students;

(*h*) that the financial resources of the college are such as to make due provision for its continued maintenance and efficient working; and

(*i*) that the college rules fixing the fees, if any, to be paid by the students have not been so framed as to involve such competition with any existing college in the same neighbourhood as would be injurious to the interests of education.

The application shall further contain an assurance that after the college is affiliated, any transference of management and all changes in the teaching staff and all other changes which result in any of the aforesaid requirements not being fulfilled or continued to be fulfilled shall be forthwith reported to the Syndicate.

(*2*) On receipt of a letter of application under sub-section (*1*) the Syndicate shall—

(*a*) direct a local inquiry to be made by a competent person or persons authorized by the Syndicate in this behalf in respect of the matters referred to in sub-section (*1*) and such other matters as may be deemed necessary and relevant;

(*b*) make such further inquiry as may appear to it to be necessary;

(*c*) record its opinion on the question whether the application should be granted or refused, either in whole or in part, stating the results of any inquiry under clauses (*a*) and (*b*); and

(*d*) report to the Senate on the question whether the application should be granted or refused, either in whole or in part, embodying in such report the results of any inquiry under clauses (*a*) and (*b*) and the opinion recorded under clause (*c*).

(*3*) The registrar shall submit the application and all proceedings, if any, of the Syndicate and the Senate relating thereto to the Provincial Government which, after such inquiry as may appear to it to be necessary, shall grant or refuse the application or any part thereof.

(*4*) Where the application or any part thereof is granted, the order of the Provincial Government shall specify the courses of instruction in respect of which the college is affiliated, and, where the application or any part thereof is refused, the grounds of such refusal shall be stated.

(*5*) As soon as possible after the Provincial Government makes its order, the Registrar shall submit to the Senate a full report regarding the application, the action taken thereon under sub-sections (*2*) to (*4*) and of all proceedings connected therewith.

(*6*) An application under sub-section (*1*) may be withdrawn at any time before an order is made under sub-section (*3*).

Extension of affiliation.

28. Where a college desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed by section 27 shall, so far as may be, be followed.

Recognition of institutions of research and specialized studies.

29. (*1*) The Syndicate shall have the power to recognize as a recognized institution any institution of research or specialized studies other than a college.

(*2*) An institution applying for recognition under this section shall send a letter of application to the Registrar and shall give full information in the letter of application in respect of the following matters, namely :—

(*a*) constitution and personnel of the managing body ;

(*b*) subjects and courses in regard to which recognition is sought ;

(*c*) accommodation, equipment and the number of students for whom provision has been or is proposed to be made ;

(*d*) the strength of the staff, their qualifications and salaries and the research work done by them ;

(*e*) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(*3*) Before taking the application into consideration the Syndicate may call for any further information which it may deem necessary.

(*4*) If the Syndicate decides to take the application into consideration, it may direct a local inquiry to be made by a competent person or persons authorized by it in this behalf. After considering the report made as a result of such local inquiry and making such further inquiry as may appear to it to be necessary, the Syndicate shall report to

the Senate on the question whether the application should be granted or refused, either in whole or in part, embodying in such report the results of any inquiry made by it. The Senate after taking into consideration the report of the Syndicate may grant or refuse the application or any part thereof. Where the application or any part thereof is granted, the Senate shall specify the subjects and the courses of instruction in respect of which the institution is recognized and make a report to that effect to the Syndicate at its next succeeding meeting. Where the application or any part thereof is refused the grounds of such refusal shall be stated.

Inspection of colleges and reports.

30. (*1*) Every affiliated college and recognized institution shall furnish such reports, returns and other information as the Syndicate may require to enable it to judge of the efficiency of the college or institution.

(*2*) The Syndicate shall cause every such college or institution to be inspected from time to time by one or more competent persons authorized by the Syndicate in this behalf.

(*3*) The Syndicate may call upon any college or institution so inspected to take, within a specified period, such action as may appear to it to be necessary in respect of any of the matters referred to in sub-section (*1*) of section 27 and sub-section (*2*) of section 29.

Withdrawal of affiliation.

31. (*1*) The rights conferred on a college by affiliation may be withdrawn in whole or in part or modified if the college has failed to carry out any of the provisions of sub-section (*1*) of section 27 or the college has failed to observe any of the conditions of its affiliation or the college is conducted in a manner which is prejudicial to the interests of education.

(*2*) A motion for the withdrawal or the modification of such rights shall be initiated only in the Syndicate. The member of the Syndicate who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.

(*3*) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (*2*) to the Principal of the College concerned, together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the college will be considered by the Syndicate:

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(*4*) On receipt of the representation or on the expiry of the period referred to in sub-section (*3*), the Syndicate, after considering the notice of motion, statement and representation, and after such inspection by any competent person

or persons authorized by the Syndicate in this behalf, and such further inquiry as may appear to it to be necessary, shall make a report to the Senate.

(*5*) On receipt of the report under sub-section (*4*) the Senate shall, after such further inquiry, if any, as may appear to it to be necessary, record its opinion in the matter :

Provided that no resolution of the Senate recommending the withdrawal of affiliation shall be deemed to have been passed by it unless the resolution has obtained the support of two-thirds of the members present at a meeting of the Senate, such majority comprising not less than one-half of the members of the Senate.

(*6*) The Registrar shall submit the proposal and all proceedings, if any, of the Syndicate and the Senate relating thereto, to the Provincial Government which, after such further inquiry, if any, as may appear to it to be necessary, shall make such order as it deems fit.

(*7*) Where by an order made under sub-section (*6*), the rights conferred by affiliation are withdrawn in whole or in part or modified, the grounds for such withdrawal or modification shall be stated in the order.

Withdrawal of recognition.

32. (*1*) The rights conferred on an institution by recognition may be withdrawn or suspended for any period if the institution has failed to observe any of the conditions of its recognition or the institution is conducted in a manner which is prejudicial to the interest of education.

(*2*) A motion for such withdrawal or suspension shall be initiated only in the Syndicate. The member of the Syndicate who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.

(*3*) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (*2*) to the head of the institution concerned, together with an intimation that any representation in writing submitted within a period specified in the intimation on behalf of the institution will be considered by the Syndicate :

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(*4*) On receipt of the representation or on the expiry of the period referred to in sub-section (*3*), the Syndicate after considering the notice of motion, statement and representation and after such inspection by any competent person or persons authorized by the Syndicate in this behalf, and after such further inquiry as may appear to it to be necessary, shall make a report to the Senate if the Syndicate decides that the recognition should be withdrawn or suspended. No such report for withdrawal or suspension

shall be made unless a resolution to that effect is supported by at least two-thirds of the members present at the meeting of the Syndicate.

(5) On receipt of the report under sub-section (4) the Senate shall, after such further inquiry, if any, as may appear to it to be necessary, decide whether the recognition should be withdrawn or suspended, as the case may be :

Provided that the recognition shall not be withdrawn or suspended unless a resolution of the Senate to that effect is supported by a majority of at least two-thirds of the members present at the meeting of the Senate, such majority comprising not less than one-half of the members of the Senate.

CHAPTER VII.

Teaching in colleges and post-graduate teaching.

Teaching in colleges and post-graduate teaching.

33. Notwithstanding any law for the time being in force, it shall be lawful for the University to conduct instruction, teaching and training beyond the stage of the Entrance Examination and all post-graduate instruction, teaching and training in institutions or colleges recognized by, affiliated to, or conducted by, the University. Such instruction, teaching and training shall be imparted by the teachers of the University.

CHAPTER VIII.

Enrolment and Degrees.

Qualification for enrolment of students of University.

34. No student shall be enrolled as a student of the University unless she has passed—

(i) the Secondary School Certificate Examination conducted by the Secondary School Examination Board in such subjects and with such standards of attainment as may be prescribed by the Statutes; or

(ii) the Entrance Examination, if any, which may be instituted by the University with the consent of the Provincial Government, and held in such subjects and in such manner as may be prescribed by the Statutes, or

(iii) any other examination prescribed as equivalent to the examinations referred to in clauses (i) and (ii),

and possesses such further qualification, if any, as may be prescribed by the Statutes.

Residence of students.

35. Every student of the University shall reside in a hostel or under such conditions as may be prescribed by the Ordinances.

Degrees, titles, diplomas and other academic distinctions.

36. The Senate may institute and confer such degrees, titles, diplomas and other academic distinctions as may be prescribed by the Statutes.

37. If not less than two-thirds of the members of the Syndicate recommend that an honorary degree, title or other academic distinction be conferred on any person on the ground that he is in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such degree, title or other academic distinction and where their recommendation is supported by a majority of not less than two-thirds of the members of the Senate present at a meeting of the Senate, such majority comprising not less than one-half of the members of the Senate, and the recommendation is confirmed by the Chancellor, the Senate may confer on such person the honorary degree, title or other academic distinction so recommended without requiring him to undergo any examination. Honorary degrees.

38. (*1*) The Chancellor may, on the recommendation of the Syndicate and of the Senate supported by a majority of not less than two-thirds of the members of each body present at its meeting, such majority comprising not less than one-half of the members of each body, remove the name of any person from the register of graduates or withdraw from any person a diploma or degree if she has been convicted by a Court of Law of any offence which, in the opinion of the Syndicate and the Senate, is a serious offence involving moral turpitude or if she has been guilty of scandalous conduct. Removal from membership of University and withdrawal of degree or diploma.

(*2*) No action under this section shall be taken unless the person concerned is given an opportunity to be heard in her defence in the manner prescribed by the Statutes.

CHAPTER IX.

Committee.

39. (*1*) No person shall be appointed as a teacher of the University or on the staff of its college except on the recommendation of a Committee of Selection constituted for the purpose. Committee of selection for appointment of teachers of University or on staff of its College.

(*2*) The members of the Committee shall be—

(i) the Vice-Chancellor-*ex-officio* Chairman;

(ii) the Director of Public Instruction, Bombay Province;

(iii) one member elected by the Syndicate;

(iv) one member nominated by the Chancellor on the ground of his special knowledge of the subject or subjects for which the teacher is to be appointed.

(*3*) The Committee shall investigate the merits of the various candidates and shall recommend to the Syndicate the names, if any, of persons whom it considers suitable for the post, arranged in order of merit,

(4) Out of the persons so recommended, the Syndicate shall make the final selection:

Provided that where the Syndicate proposes to make the appointment otherwise than in accordance with the order of merit arranged by the Committee, the Syndicate shall record its reasons and submit its proposal for the sanction of the Chancellor.

Committees.

40. All the authorities of the University shall have power to appoint committees. Such committees may include persons who are not members of the authority appointing the committee.

CHAPTER X.

Finance.

University Fund.

41. (1) The University shall establish a fund to be called the University Fund.

(2) The following shall form a part of, or be paid into, the University Fund :—

(a) the annual sum of interest due on Government securities of the face value of Rs. 15 lakhs received by the University under the consent decree;

(b) any contribution or grant by the Provincial Government, the Central Government or a local body;

(c) the income of the University from all sources including income from fees and charges;

(d) bequests, donations, endowments and other grants, if any.

(3) The University Fund shall be kept in any scheduled bank as defined in the Reserve Bank of India Act, 1934, or invested in securities authorized by the Indian Trusts Act, 1882, at the discretion of the Syndicate. II of 1934. II of 1882.

Annual accounts and financial estimates.

42. (1) The annual accounts of the University shall be prepared under the direction of the Syndicate and shall be submitted to the Provincial Government for audit.

(2) The accounts when audited shall be published by the Syndicate in the *Official Gazette* and copies thereof shall, together with the copies of the Audit Report, be submitted to the Senate and to the Provincial Government.

(3) The Syndicate shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year.

(4) The annual accounts and the financial estimates shall be considered by the Senate at its annual meeting and the Senate may pass resolutions with reference thereto and

communicate the same to the Syndicate which shall take them into consideration and take such action thereon as it thinks fit, and finally adopt the accounts and financial estimates. The Syndicate shall inform the Senate at its next meeting of the action taken by it or of its reasons for taking no action.

Annual report.

43. The annual report of the University shall be prepared under the direction of the Syndicate and shall be submitted to the Senate on or before such date as may be prescribed by the Statutes and shall be considered by the Senate at the annual meeting. The Senate may pass resolutions thereon and communicate the same to the Syndicate which shall take such action as it thinks fit; and the Syndicate shall inform the Senate at its next meeting of the action taken by it or of its reasons for taking no action.

CHAPTER XI.

Supplementary Provisions.

Conditions of service.

44. Save as otherwise provided by or under this Act, every salaried officer and teacher of the University shall be appointed under a written contract. The contract shall be lodged with the Registrar of the University and a copy thereof shall be furnished to the officer or teacher concerned.

Tribunal of Arbitration.

45. Any dispute arising out of a contract between the University and any officer or teacher of the University shall, on the request of the officer or teacher concerned, be referred to a Tribunal of Arbitration consisting of one member appointed by the Syndicate, one member nominated by the officer or teacher concerned and an umpire appointed by the Chancellor. The decision of the Tribunal shall be final and no suit shall lie in any Civil Court in respect of the matter decided by the Tribunal. Every such request shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Indian Arbitration Act, 1940, and the provisions of that Act shall apply accordingly.

X of 1940.

Pension, insurance and provident fund.

46. The University shall make adequate provisions for the benefit of its officers, teachers and other servants in matters of insurance, pension and provident fund or for other benefits as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

Vacating of office.

47. (*1*) Any member of any authority of the University may resign his office by letter addressed to the Registrar.

(*2*) Any member of any authority of the University shall cease to be a member on his being convicted by a Court of Law of an offence which involves moral turpitude.

Election to be by distributive vote.

48. Every election to the Senate and the Syndicate and recommendation for the nomination to the office of the Vice-Chancellor under this Act shall be made according to the distributive system of voting.

Explanation.—The distributive system of voting means a system of voting in which every voter shall be entitled to give as many votes as there are seats to be filled:

Provided that no voter shall give more than one vote to any one candidate:

Provided further that no voting paper shall be deemed to be valid unless the voter has recorded all the votes which he is entitled to give.

Filling of casual vacancies.

49. When any vacancy occurs in the office of a member (other than an ex-officio member) of any authority of the University before the expiry of the term of office of such member, the vacancy shall be filled up, as soon as conveniently may be, by the election, nomination or appointment, as the case may be, of a member who shall hold office so long only as the member in whose place he has been elected, nominated or appointed would have held it, if the vacancy had not occurred:

Provided that, if the vacancy be of an elected member of the Senate and occurs within six months preceding the date on which the term of office of such member expires, the vacancy shall not be filled.

Proceedings not invalidated by vacancies.

50. No act or proceeding of any authority or other body of the University shall be invalidated merely by reason of any vacancy in its membership.

Disputes as to constitution of University authority or body.

51. If any question arises regarding the interpretation of any provision of this Act or of any Statute, Ordinance or Rule or as to whether a person has been duly elected or appointed as, or is entitled to be or ceases to be entitled to be, a member of any authority of the University, the matter may be referred to the Chancellor who shall, after taking such advice as he deems necessary, decide the question and his decision shall be final.

Protection of acts and orders.

52. All acts and orders in good faith done and passed by the University or any of its authorities or officers shall be final and no suit shall be instituted against or damage claimed from the University or its authorities or officers for anything purporting to be done in pursuance of the Act and the Statutes, Ordinances and Rules framed thereunder.

CHAPTER XII.

Transitory Provisions.

Completion of courses of students in colleges affiliated to society.

53. Notwithstanding anything contained in this Act or the Statutes and Ordinances made thereunder, any student of a college established and maintained by, or affiliated to, the society who, immediately before the date on which this Act comes into force, was studying or was eligible for any examination of the society, shall be permitted to complete her course in preparation therefor, and the University shall provide for such period and in such manner as may be

prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with the course of studies of the society.

Transfer of colleges and high schools and their properties to University.

54. Notwithstanding anything contained in any law, on the coming into force of this section, the colleges and high schools specified in the Schedule to this Act and established and conducted by the society immediately before the coming into force of this section shall be deemed to have been established and conducted by the University under this Act, and all rights, powers and privileges of the said colleges and all property, moveable and immovable, thereof shall vest in the University and shall be applied to the objects and purposes for which the University is recognized and established, and all rights, powers and privileges of the said high schools and all property, moveable and immovable, thereof shall vest in the University in order that the University may carry out the terms of the consent decree.

Appointment of Vice-Chancellor.

55. Notwithstanding anything contained in section 10, the first Vice-Chancellor shall be an honorary officer who shall be appointed by the Provincial Government as soon as practicable after the passing of this Act for a period not exceeding three years and on such conditions as the Provincial Government thinks fit.

Appointment of first Registrar.

56. Notwithstanding anything contained in section 12, the first Registrar shall be appointed by the Provincial Government as soon as practicable after the passing of this Act for a period not exceeding three years and on such conditions as the Provincial Government thinks fit.

Transitory powers of first Vice-Chancellor.

57. (*1*) It shall be the duty of the first Vice-Chancellor to make arrangements for constituting the Senate, the Syndicate and other authorities of the University within six months after the date of his appointment or such longer period not exceeding one year as the Provincial Government may, by notification in the *Official Gazette*, direct.

(*2*) The first Vice-Chancellor shall, with the assistance of the Advisory Committee consisting of not more than fifteen members nominated by the Provincial Government,—

(*a*) subject to the provisions of the Act and the approval of the Chancellor,—

(i) make provisional Statutes necessary for constituting the aforesaid authorities and regulating the procedure at their meetings and the transaction of their business,

(ii) draw up any rules that may be necessary for regulating the method of election to the aforesaid authorities;

(*b*) frame the first Statutes and Ordinances under this Act and submit them for confirmation to the respective authorities when they commence to exercise their functions.

(*3*) The authorities constituted under sub-section (*1*) shall commence to exercise their functions on such date as the Provincial Government may, by notification in the *Official Gazette*, direct.

(*4*) The Statutes and Ordinances framed by the first Vice-Chancellor shall, when confirmed by the respective authorities, be published in the *Official Gazette*.

First appointment of officers and teachers of University.

58. (*1*) At any time after the passing of this Act until such time as the authorities of the University shall commence to exercise their functions—

(*a*) any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the Chancellor,

(*b*) teachers of the University may be appointed by the Chancellor after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, the Director of Public Instruction and such other person or persons, if any, as the Chancellor thinks fit to associate with them.

(*2*) Any appointment made under sub-section (*1*) shall be for such period not exceeding three years and on such conditions as the appointing authority thinks fit :

Provided that no such appointment shall be made until financial provision has been made therefor.

Extra-ordinary powers of first Vice-Chancellor.

59. The Vice-Chancellor appointed under section 55 shall have powers until the Syndicate commences to exercise its functions—

(*a*) with the previous approval of the Chancellor to make additional Statutes to provide for any matter not provided for by the first Statutes,

(*b*) to constitute provisional authorities and bodies and on their recommendations to make rules providing for the conduct of the work of the University,

(*c*) subject to the control of the Provincial Government to make such financial arrangements as may be necessary to enable this Act or any part thereof to be brought into force,

(*d*) with the sanction of the Chancellor to make for a period not exceeding three years such appointments as may be necessary to enable this Act or any part thereof to be brought into force,

(*e*) to appoint any Committee as he may think fit, to discharge such of his functions as he may direct, and

(*f*) generally to exercise all or any of the powers conferred on the Syndicate by or under the provisions of this Act.

Removal by Provincial Government of difficulties at commencement of Act.

60. If any difficulty arises as to the first constitution or re-constitution of any authority of the University after the coming into force of this Act or otherwise in first giving effect to the provisions of this Act, the Provincial Government, as occasion may require, may by order do anything which appears to it necessary for the purpose of removing the difficulty.

Saving.

61. Subject to the provisions of section 15, nothing in this Act shall affect in any way any right, privilege, obligation or liability acquired, accrued or incurred under the consent decree.

Dissolution of Society known as S. N. D. T. Indian Women's University and transfer of all property to University.

62. From the commencement of this section—

(i) the Society known as the Shree Nathibai Damodar Thackersey Indian Women's University and registered under the Societies Registration Act, 1860, shall, notwithstanding anything contained in the said Act, be deemed to have been dissolved and all property, moveable and immovable, and all rights, powers and privileges of the said Society shall be transferred to and vest in the University and shall be applied to the objects and purposes for which the University is recognized and established;

XXI of 1860.

(ii) all debts, liabilities and obligations of the said Society shall be transferred to the University and shall thereafter be discharged and satisfied by it;

(iii) all references in any enactment to the said Society shall be construed as references to the University;

(iv) any will, deed, consent decree or other document, whether made, executed or passed before or after the commencement of this Act, which contains any bequest, gift, terms or trust in favour of the said Society shall, on the commencement of this section, be construed as if the University was therein named instead of such Society;

(v) subject to any orders which the Court may make, the buildings which belonged to the said Society shall continue to be known and designated by the names and style by which they were known and designated immediately before the commencement of this section;

(vi) subject to the provisions of this Act, every teacher employed immediately before the commencement of this section in the S. N. D. T. College for Women, Bombay, and S. N. D. T. College for Women, Poona, shall hold employment in the University by the same tenure and

upon the same terms and conditions and with the same rights and privileges as he would have enjoyed under the said Society if this Act had not been passed.

SCHEDULE.

(*See* section 54.)

Colleges.

1. S. N. D. T. College for Women, Bombay.
2. S. N. D. T. College for Women, Poona.

High Schools.

1. S. N. D. T. Kanyashala, Bombay.
2. S. N. D. T. Kanyashala, Poona.

BOMBAY ACT No. LIII OF 1949.[1]

[THE BOMBAY REPEALING AND AMENDING ACT, 1949.]

[*28th November 1949.*]

An Act to repeal certain enactments and to amend certain other enactments.

WHEREAS it is expedient that certain enactments specified in the First Schedule which are spent or have otherwise become unnecessary or have ceased to be in force otherwise than by express specific repeal, should be expressly and specifically repealed; and whereas it is also expedient that certain amendments should be made in certain enactments specified in the Second Schedule; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Repealing and Amending Act, 1949.

Repeal of certain enactments.

2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

Amendment of certain enactments.

3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

THE FIRST SCHEDULE.

REPEAL.

(*See* section 2.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1830	VII ..	A Regulation for bringing under the operation of the Regulations the territories comprised in the Southern Maratha Country, belonging to the Honourable Company, and forming the said territories into a zila.	Section 5.
1831	XVI ..	A Regulation for extending the jurisdiction vested in the Political Agent in the Southern Maratha Country, under the provisions of section 5, Regulation VII, A. D. 1830, to the cognizance of civil suits of the nature specified in Regulation I, A. D. 1831, and also for the better defining the extent of jurisdiction therein conferred with respect to persons of the privileged classes.	The whole.
1867	VI ..	The Bombay City Sanitary Regulation Act, 1867.	The whole.

[1]For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V, page 1007.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1901	I ..	The Bombay District Municipal Act, 1901.	Clause (*d*) of sub-section (*2*) of section 15.
1925	XII ..	The Cotton Ginning and Pressing Factories Act, 1925, as amended by Bombay Act IV of 1936.	In sub-section (*1*) of section 3-A the words "and to which this Act has been extended".
1932	II ..	The Bombay Finance Act, 1932 ..	In clause (*ii*) of the entry relating to Article 17 in the first column of Schedule II in section 14, the word "and".
1939	XII ..	The Bombay Revenue Tribunal Act, 1939.	Entry No. 11 in the Schedule.
1942	XXVIII ..	The Bombay Land Improvement Schemes Act, 1942.	(1) clause (6) of section 2; and (2) in section 22 the words, brackets and figures "sub-section (*2*) of section 12".
1948	LXXI ..	The Bombay Children Act, 1948 ..	(*i*) In sub-section (*1*) of section 56 the words "provided his wife has attained the age of fourteen years"; and (*ii*) in clause (*d*) of sub-section (*2*) of section 109, the word "poor".
1948	LXXIX ...	The Bombay Shops and Establishments Act, 1948.	(*i*) in clause (*b*) of sub-section (*1*) of section 10, the words "dealing in goods"; (*ii*) in clause (*a*) of sub-section (*1*) of section 11, the words "dealing in goods".

THE SECOND SCHEDULE.

AMENDMENTS.

(*See* section 3.)

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1879	V	The Bombay Land Revenue Code, 1879.	In Section 58,— (*i*) in sub-section (*1*) for the words "shall give" the words "shall, at the time when such payment is received by him, give", (*ii*) in sub-section (*2*) for the words "shall give" the words "shall, at the time when such sum is received by him, give", and (*iii*) in sub-section (*3*) for the words "shall give" the words "shall, at the time when such rent or land revenue is received by him, give", shall be substituted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1947	XXXI	The Bombay Money-lenders Act, 1946.	(*i*) In the marginal note to section 38, for the figures and word " XXVIII of 1939 " the figures and word " XXVIII of 1947 " and (*ii*) in section 38, for the figures " 1939 " the figures " 1947 " shall be substituted.
1947	LVI	The Bombay Warehouses Act, 1947.	In section 27, for the words " Every warehouseman shall " the words " Every warehouseman shall, at the time when goods are received by him for deposit in a warehouse," shall be substituted.
1947	LVII	The Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.	(*i*) In section 26, in sub-section (*1*) after the words " any amount " the words " at the time when such amount is " shall be inserted ; and (*ii*) in the marginal note to the said section 26, for the word " rent " the words " any amount received " shall be substituted.
1949	XX	The Karnatak University Act, 1949.	(*i*) In sub-section (*2*) of section 31, for the brackets and figure " (*vi*) " the brackets and figure " (*vii*) " shall be substituted ; and (*ii*) in the Schedule, for the brackets and figures " (14) " the brackets and figures " (15) " shall be substituted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1889	I	The Bombay Village Sanitation Act, 1889.	In clause (*g*) of sub-section (*2*) of section 30(*B*), for the word "of" the word "or" shall be substituted.
1890	IV	The Bombay District Police Act, 1890.	(*i*) In clauses (*a*) and (*b*) of section 3 for the words "appointed under this Act" the words and figure "entertained under section 4" shall be substituted; and (*ii*) new section 65A inserted by sub-section (*12*) of section 3 of Bom. LIX of 1947 shall be renumbered as 65AA.
1892	I	The Bombay District Vaccination Act, 1892.	In the form in Schedule D for the figures "1891" the figures "1892" shall be substituted.
1902	IV	The City of Bombay Police Act, 1902.	(*i*) In clause (*b*) of section 3, for the words "appointed under this Act" the words and figure "established and entertained under section 4" shall be substituted; and (*ii*) in sub-section (*1*) of section 10, after the words "authorised in this behalf" the words "by the Provincial Government" shall be inserted.
1920	XVII	The Bombay Pleaders Act, 1920 ...	In section 11, in sub-section (*3*) for the words "shall give" the words "shall, at the time when such fee is received by him, give" shall be substituted.
1925	VII	The Bombay Co-operative Societies Act, 1925.	(*i*) In section 64, after the figures "50" the word "or" shall be inserted; (*ii*) in sub-section (*2*) of section 71,— (*a*) in clause (*ff*), for the words "Crop Protection Society" the words "Farming society", and (*b*) in clause (*kk*), for the words "crop protection scheme" the words "farming scheme" shall be substituted.
1925	XII	The Cotton Ginning and Pressing Factories Act, 1925 (as amended by Bombay Act IV of 1936).	In sub-section (*4*) of section 5, for the words "the Central Government may direct" the words "it thinks fit" shall be substituted.
1942	XXVIII	The Bombay Land Improvement Schemes Act, 1942.	In sections 14, 16, 21 and 22 and in sub-section (*4*) of section 25 for the words "the Land Improvement Officer" the words "the Divisional Soil Conservation Officer" shall be substituted.
1947	XXVII	The Bombay (Emergency Powers) Whipping Act, 1947.	In section 2 for the word "sections" the word "section" shall be substituted.

BOMBAY ACT No. LVI OF 1949.[1]

[THE INDIAN STAMP (BOMBAY AMENDMENT) ACT, 1949.]

[*15th December 1949*]

An Act to amend the Indian Stamp Act, 1899, in its application to the Province of Bombay.

*II of 1899. WHEREAS it is expedient to amend the Indian Stamp Act, 1899, in its application to the Province of Bombay, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Stamp (Bombay Amendment) Act, 1949. Short title.

II of 1899. 2. After section 6 of the Indian Stamp Act, 1899, in its application to the Province of Bombay, the following new section shall be inserted, namely:— Insertion of new section 6A in Act II of 1899.

"6A. (*1*) Notwithstanding anything contained in section 4 or 6 or in any other enactment, unless it is proved that the duty chargeable under this Act as applicable to the Province of Bombay has been paid— Payment of higher duty in respect of certain instruments.

(*a*) on the principal or original instrument, as the case may be, or

(*b*) in accordance with the provisions of this section,

the duty chargeable on an instrument of sale, mortgage or settlement, other than a principal instrument or on a counterpart, duplicate or copy of any instrument shall, if the principal or original instrument would, when received in the Province, have been chargeable under this Act with a higher rate of duty, be the duty with which the principal or original instrument would have been chargeable under section 19-A.

(*2*) Notwithstanding anything contained in any enactment for the time being in force, no instrument, counterpart, duplicate or copy chargeable with duty under this section shall be received in evidence unless the duty chargeable under this section has been paid thereon:

Provided that any Court before which any such instrument, duplicate or copy is produced may permit the duty chargeable under this section to be paid thereon and may then receive it in evidence."

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1949, Part V, page 185.

THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

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BOMBAY ACT No. LIX OF 1949.[1]

[THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.]

[*29th December 1949*]

An Act to provide for the establishment of Municipal Corporations for certain cities in the Province of Bombay.

WHEREAS it is expedient to provide for the establishment of municipal corporations in the cities of Ahmedabad and Poona and certain other cities with a view to ensure a better municipal government of the said cities; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Provincial Municipal Corporations Act, 1949.

(*2*) It extends to the whole of the Province of Bombay.

(*3*) This section shall come into operation at once. The remaining provisions of the Act shall come into operation in the City of Ahmedabad and the City of Poona and such other cities (outside Greater Bombay) on such dates as the Provincial Government may, by notification in the *Official Gazette*, specify in respect of each city. On the respective dates the said provisions shall apply to places outside the said cities in the manner, to the extent and for the purposes expressly provided therein.

Definitions.

2. In this Act, unless there be something repugnant in the subject or context,—

(*1*) " Appendix " means an Appendix to this Act;

(*2*) " appointed day " means with reference to any local area the day on which such area is constituted the City of Ahmedabad or the City of Poona or any other city, as the case may be, under section 3;

(*3*) " bakery or bake-house " means any place in which bread, biscuits or confectionery are baked, cooked or prepared in any manner whatsoever for the purposes of sale or profit;

(*4*) " budget grant " means the total sum entered on the expenditure side of a budget estimate under a major head as prescribed by rules and adopted by the Corporation and includes any sum by which such budget grant may be increased or reduced by a transfer from or to other heads in accordance with the provisions of this Act and rules;

[1]For Statement of Objects and Reasons *see Bombay Government Gazette*, 1949, Part V, page 597.

(*5*) " building " includes a house, outhouse, stable, shed, hut and other enclosure or structure whether of masonry, bricks, wood, mud, metal or any other material whatever, whether used as a human dwelling or otherwise, and also includes verandahs, fixed platforms, plinths, doorsteps, walls including compound walls, and fencing, and the like;

(*6*) " by-law " means a by-law made under section 458;

(*7*) " cesspool " includes a settlement tank or other tank for the reception or disposal of foul matter from buildings;

(*8*) " the City " means the City of Ahmedabad, the City of Poona, or any other local area constituted to be a City under section 3;

(*9*) " the Commissioner " means the Municipal Commissioner for the City appointed under section 36 and includes an acting Commissioner appointed under section 39;

(*10*) " the Corporation " means the Municipal Corporation of the City;

(*11*) " councillor " means a person who is duly elected as a member of the Corporation under this Act;

(*12*) " cubical contents " when used with reference to the measurement of a building means the space contained within the external surfaces of its walls and roof and the upper surface of the floor of its lowest storey or, where the building consists of one storey only, the upper surface of its floor;

(*13*) " dairy " includes any farm, cattle-shed, milk store, milk shop, or other place from which milk is supplied for sale or in which milk is kept for the purposes of sale or manufactured into butter, ghee, cheese, curds or dried or condensed milk for sale and, in the case of a dairyman who does not occupy any place for the sale of milk, includes the place where he keeps the vessels used by him for the sale of milk but does not include a shop or other place in which milk is sold for consumption on the premises only;

(*14*) " dairyman " includes the keeper of a cow, buffalo, goat, ass or other animal, the milk of which is offered or intended to be offered for sale for human consumption, and any purveyor of milk and any occupier of a dairy;

(*15*) " dairy produce " includes milk, butter, ghee, curd, butter milk, cream, cheese and every product of milk;

(*16*) " dangerous disease " means cholera, plague, small-pox or any other epidemic or infectious disease by which the life of human beings is endangered and which the Corporation may from time to time by public notice declare to be a dangerous disease;

(17) " drain " includes a sewer, tunnel, pipe, ditch, gutter or channel and any cistern, flush-tank, septic tank or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water, rain water, or sub-soil water and any culvert, ventilation shaft or pipe or other appliance or fitting connected therewith, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place;

(18) " eating house ", means any premises to which the public or any section of the public are admitted and where any kind of food is prepared or supplied for consumption on the premises or elsewhere for the profit or gain of any person owning or having an interest in or managing such premises;

(19) " essential services " means services in which any municipal officer, servant or other person is employed by or on behalf of the Corporation and which are specified in the rules;

LXIII of 1948. (20) " factory " means a factory as defined in the Indian Factories Act, 1948;

(21) " filth " includes sewage, nightsoil and all offensive matter;

(22) " food " includes every article used for food or drink by man other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food, and also includes confectionery, flavouring and colouring matters and spices and condiments;

(23) " form " means a form appended to the rules;

(24) " frame building " means a building the external walls of which are constructed of timber framing or iron framing, and the stability of which depends on such framing;

(25) " goods " includes animals;

(26) " house-drain " means any drain of, and used for the drainage of, one or more buildings or premises and made merely for the purpose of communicating therefrom with a municipal drain;

(27) " house-gully " or " service passage " means a passage or strip of land constructed, set apart or utilised for the purpose of serving as a drain or of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter, to municipal servants or to persons employed in the cleansing thereof or in the removal of such matter therefrom;

(28) " hut " means any building which is constructed principally of wood, mud, leaves, grass, cloth or thatch and includes any temporary structure of whatever size or any small building of whatever material made which the Corporation may declare to be a hut for the purposes of this Act;

(29) " the Judge " means in the Cities of Ahmedabad and Poona the Judge of the Court of Small Causes, and in any other City the Civil Judge (Senior Division) having jurisdiction in the City;

(*30*) " land " includes land which is being built upon or is built upon or covered with water, benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by legislative enactment over any street;

(*31*) " licensed plumber ", " licensed surveyor ", " licensed architect ", " licensed engineer ", " licensed structural designer " and " licensed clerk of works ", respectively, means a person licensed by the Corporation as a plumber, surveyor, architect, engineer, structural designer or a clerk of works under this Act;

(*32*) " lodging house " means a building or part of a building where lodging with or without board or other service is provided for a monetary consideration;

(*33*) " market " includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, live-stock or food for live-stock or meat, fish, fruit, vegetables, animals intended for human food or any other articles of human food whatsoever with or without the consent of the owner of such place, notwithstanding that there may be no common regulation of the concourse of buyers and sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place or any other person;

(*34*) " masonry building " means any building other than a frame building or a hut and includes any structure a substantial part of which is made of masonry or of steel, iron or other metal;

(*35*) " municipal drain " means a drain vested in the Corporation;

(*36*) " municipal market " means a market vested in or managed by the Corporation;

(*37*) " municipal slaughter house " means a slaughter house vested in or managed by the Corporation;

(*38*) " municipal tax " means any impost levied under the provisions of this Act;

(*39*) " municipal water-works " means water-works belonging to or vesting in the Corporation;

(*40*) " nuisance " includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property;

(*41*) " occupier " includes—

(*a*) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable,

(*b*) an owner living in or otherwise using his land or building,

(*c*) a rent-free tenant,

(*d*) a licensee in occupation of any land or building, and

(*e*) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

(*42*) " octroi " means a cess on the entry of goods into the limits of a city for consumption, use or sale therein;

(*43*) "offensive matter" includes animal carcasses, dung, dirt and putrid or putrifying substances other than sewage;

(*44*) "official year" means the year commencing on the first day of April;

(*45*) "owner" means—

(*a*) when used with reference to any premises, the person who receives the rent of the said premises, or who would be entitled to receive the rent thereof if the premises were let and includes—

(i) an agent or trustee who receives such rent on account of the owner,

(ii) an agent or trustee who receives the rent of, or is entrusted with, or concerned for, any premises devoted to religious or charitable purposes,

(iii) a receiver, sequestrator or manager appointed by any Court of competent jurisdiction to have the charge of, or to exercise the rights of an owner of, the said premises; and

(iv) a mortgagee-in-possession; and

(*b*) when used with reference to any animal, vehicle or boat, includes the person for the time being in charge of the animal, vehicle or boat;

(*46*) "premises" includes messuages, buildings and lands of any tenure whether open or enclosed, whether built on or not and whether public or private;

(*47*) "private street" means a street which is not a public street;

(*48*) "privy" means a place set apart for defecating or urinating or both, together with the structure comprising such place, the receptacle therein for human *excreta* and the fittings and apparatus, if any, connected therewith, and includes a closet of the dry type, an aqua privy, a latrine and a urinal;

(*49*) "property tax" means a tax on buildings and lands in the City;

(*50*) "public place" includes any public park or garden or any ground to which the public have or are permitted to have access;

(*51*) "public securities" means—

(*a*) securities of the Central Government or any Provincial Government,

(*b*) securities, stocks, debentures or shares the interest whereon has been guaranteed by the Central or the Provincial Government,

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of the powers conferred by any enactment for the time being in force in any part of the Dominion of India,

(*d*) securities expressly authorized by any order which the Provincial Government makes in this behalf;

(*52*) "public street" means any street—

(*a*) heretofore levelled, paved, metalled, channelled, sewered or repaired out of municipal or other public funds; or

(*b*) which under the provisions of section 224 is declared to be, or under any other provision of this Act becomes, a public street;

(*53*) "rack rent" means the amount of the annual rent for which the premises with reference to which the term is used might reasonably be expected to let from year to year as ascertained for the purpose of fixing the rateable value of such premises;

(*54*) "rateable value" means the value of any building or land fixed in accordance with the provisions of this Act and the rules for the purpose of assessment to property taxes;

(*55*) " regulation " means a regulation made under section 465;

(*56*) (*a*) a person is deemed to " reside " in any dwelling which, or some portion of which, he sometimes uses, whether interruptedly or not, as a sleeping apartment; and

(*b*) a person is not deemed to cease to " reside " in any such dwelling merely because he is absent from it or has elsewhere another dwelling in which he resides, if there is the liberty of returning to it at any time and no abandonment of the intention of returning to it;

(*57*) " rubbish " includes dust, ashes, broken bricks, mortar, broken glass, garden or stable refuse and refuse of any kind which is not offensive matter or sewage;

(*58*) " rules " include rules in the Schedule and rules made under sections 454 and 456;

(*59*) " the Schedule " means the Schedule appended to this Act;

(*60*) " sewage " means night-soil and other contents of water-closets, latrines, privies, urinals, cesspools, or drains and polluted water from sinks, bath-rooms, stables, cattle-sheds and other like places, and includes trade effluent and discharges from manufactories of all kinds;

(*61*) " special fund " means a fund constituted under section 91;

(*62*) " standing order " means an order made under section 466;

(*63*) " street " includes any highway, and any causeway, bridge, viaduct, arch, road, lane, footway, sub-way, court, alley or riding path or passage, whether a thoroughfare or not, over which the public have a right of passage or access or have passed and had access uninterruptedly for a period of twenty years; and, when there is a footway as well as a carriage way in any street, the said term includes both;

(*64*) " sweetmeat shop " means any premises or part of any premises used for the manufacture, treatment or storage for sale, or for the sale, wholesale or retail, of any icecream, confections or sweetmeats whatsoever, for whomsoever intended, and by whatsoever name the same may be known, and whether the same be for consumption on or outside the premises;

(*65*) " theatre tax " means a tax on amusements or entertainments;

(*66*) " trade effluent " means any liquid either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at trade premises, and in relation to any trade premises, means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises, but does not include domestic sewage;

(*67*) " trade premises " means any premises used or intended to be used for carrying on any trade or industry;

(*68*) " trade refuse " means and includes the refuse of any trade, manufacture or business;

(*69*) " Transport Manager " means the Transport Manager of the Transport Undertaking appointed under section 40 and includes an acting Transport Manager appointed under section 41;

(*70*) " Transport Undertaking " means all undertakings acquired, organised, constructed, maintained, extended, managed or conducted by

the Corporation for the purpose of providing mechanically propelled transport facilities for the conveyance of the public and includes all moveable and immovable property and rights vested or vesting in the Corporation for the purposes of every such undertaking;

(*71*) "vehicle" includes a carriage, cart, van, dray, truck, hand-cart, bicycle, tricycle, motor car, and every wheeled conveyance which is used or is capable of being used on a street;

(*72*) "water closet" means a closet which has a separate fixed receptacle connected to a drainage system and separate provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action;

(*73*) "water-connection" includes—

(*a*) any tank, cistern, hydrant, stand-pipe, meter or tap situated on a private property and connected with a water-main or pipe belonging to the Corporation; and

(*b*) the water-pipe connecting such tank, cistern, hydrant, stand-pipe, meter or tap with such water-main or pipe;

(*74*) "water-course" includes any river, stream, or channel whether natural or artificial;

(*75*) "water for domestic purposes" shall not include water for cattle, or for horses, or for washing vehicles, when the cattle, horses or vehicles are kept for sale or hire, or by a common carrier, and shall not include water for any trade, manufacture or business, or for building purposes, or for watering gardens, or for fountains or for any ornamental or mechanical purposes;

(*76*) "water-work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, main-pipe, culvert, engine, water-truck, hydrant, stand-pipe, conduit, and machinery, land, building or thing for supplying or used for supplying water or for protecting sources of water supply.

Declaration of local areas to be cities for purposes of the Act.

3. (*1*) For the purposes of this Act, the local areas within the limits specified by the Provincial Government by notification in the *Official Gazette* shall constitute the City of Ahmedabad and the City of Poona respectively.

(*2*) The Provincial Government may from time to time by notification in the *Official Gazette* constitute any other local area lying within such limits as are specified in the notification to be a City.

(*3*) The Provincial Government may also from time to time after consultation with the Corporation by notification in the *Official Gazette* alter the limits specified for any city under sub-section (*1*) or sub-section (*2*) so as to include therein, or to exclude therefrom, such area as is specified in the notification.

(*4*) The power to issue a notification under this section shall be subject to the condition of previous publication.

CHAPTER II.

CONSTITUTION.

Municipal Authorities.

Municipal authorities charged with execution of the Act.

4. (*1*) The municipal authorities charged with carrying out the provisions of this Act are for each City—

(A) a Corporation ;

(B) a Standing Committee ;

(C) a Municipal Commissioner ;

and, in the event of the Corporation establishing or acquiring a Transport Undertaking,

(D) a Transport Committee ;

(E) a Transport Manager.

(*2*) The duties imposed on the Corporation in respect of primary education shall be performed in accordance with the provisions of the Bombay Primary Education Act, 1947, and for the purposes of the said Act the Corporation shall be deemed to be an authorized municipality within the meaning of the said Act with power to control all approved schools within the City, and to appoint an Administrative Officer. Bom. LXI of 1947.

Constitution of Corporation.

5. (*1*) Every Corporation shall, by the name of "The Municipal Corporation of the City of.....", be a body corporate and have perpetual succession and a common seal and by such name may sue and be sued.

(*2*) Each Corporation shall consist of such number of councillors elected at ward elections as the Provincial Government may from time to time by notification in the *Official Gazette* fix.

(*3*) The Provincial Government shall, from time to time, by notification in the *Official Gazette*, specify for each City the number and boundaries of the wards into which such City shall be divided for the purpose of the ward election of councillors and the number of councillors to be elected for each ward :

Provided that no notification issued under sub-section (*2*) or sub-section (*3*) shall have effect except for the general elections held not less than six months next after the date thereof and for subsequent elections:

Provided further that, for the purpose of two succeeding general elections held immediately after the appointed day, and for by-elections, if any, before the third general election, so held, the Provincial Government shall, in any notification issued under sub-section (*3*), provide for the reservation for Harijans of such number of seats out of the seats allotted to specified wards as the Provincial Government may deem fit having regard to the population of Harijans in the City.

Explanation.—A Harijan means a member of a Scheduled Caste as defined in the Government of India (Scheduled Castes) Order, 1936.

Term of office of councillors after general elections.

6. (*1*) Councillors elected at general elections under this Act shall, subject to the provisions thereof, hold office for a term of four years which may be extended by the Provincial Government by notification in the *Official Gazette* to a term not exceeding in the aggregate five years for reasons which shall be stated in the notification :

Provided that before such notification is published the Provincial Government shall invite and consider objections, if any, from persons entitled to vote at an election under this Act.

(*2*) The term of office of such councillors shall be deemed to commence on the date of the first meeting called by the Commissioner under the provisions of the rules.

(3) The term of office of the outgoing councillors shall be deemed to extend to and expire with the day immediately preceding the date of such meeting.

7. Any councillor may resign his office at any time by notice in writing to the Commissioner and, on such notice being given, his office shall become vacant as from the date of the notice. Resignation of office by councillor.

Qualifications and disqualifications of voters and councillors.

8. (1) Subject to the provisions of any other law for the time being in force and to the provisions of section 17, every person who— Qualifications of voters.

(a) is a citizen of India or the ruler or subject of an Acceding State;

(b) has attained the age of 21 years on the first day of January of the year for which the municipal election roll is being prepared; and

(c) has the requisite residence, business premises or taxation qualification,

shall be entitled to be enrolled in such roll as a voter of a ward:

Provided that no such person who has been adjudged by a competent Court to be of unsound mind shall be entitled to be enrolled in such roll.

(2) A person shall be deemed to have the requisite residence qualification or the requisite business premises qualification if he has ordinarily resided in a dwelling in the City or occupied business premises in the City, as the case may be, for a period of not less than one year immediately preceding the first day of January of the year for which such roll is being prepared:

Provided that a person who is an inmate or a patient in any prison, lunatic asylum, hospital, or any other similar institution, shall not, by reason thereof, be deemed to have resided in such institution for the purpose of this sub-section.

(3) A person shall be deemed to have the requisite taxation qualification if he owns in the City immovable property which is assessed on the first day of April next preceding the date of the publication of such roll to any of the property taxes.

(4) A person shall not be entitled to vote at a ward election unless he is enrolled in the municipal election roll at the time in operation for the ward for which the election is held.

Explanations.—(1) A "citizen of India" means a person who in accordance with the provision made by an Act of a competent legislature regulating the rights of citizenship of India, is such citizen and, until such Act is passed and comes into force in the Province, means—

(a) any person who or either of whose parents was born in the Dominion of India and who has not made his permanent abode outside the Dominion after the first day of April 1947; or

(b) any person who has his domicile in the Dominion of India and who does not owe allegiance to any foreign state.

(2) "Business premises" means premises occupied for the purpose of the business, profession or trade of the person to be enrolled and the rateable value of which, determined in accordance with the provisions of this Act, is not less than rupees sixty or such smaller amount as may be prescribed by rules.

(3) If any question arises whether a person is a citizen of India, the decision of the Provincial Government shall be final.

Qualification for election as councillor.

9. (1) Subject to the provisions of this Act, a person who is enrolled in the municipal election roll as a voter for a ward shall be qualified to be a councillor and to be elected either from such ward or from any other ward.

(2) Any person who ceases to be a councillor shall, if qualified under sub-section (1), be eligible for re-election as such.

Disqualification for being a councillor.

10. (1) Subject to the provisions of sections 13, 17 and 404, a person shall be disqualified for being elected and for being a councillor if such person—

(a) has been sentenced by any court to imprisonment or whipping for an offence involving moral turpitude and punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or quashed, or to death, such sentence having been subsequently commuted to transportation or imprisonment:

Provided that, on the expiry of such sentence, the disqualification incurred under this clause shall cease:

Provided further that the expiry of such sentence shall not entitle the person to continue as a councillor or to stand for election at any by-election held during the remainder of the current term of office of the councillors;

(b) is an undischarged insolvent;

(c) holds the office of Commissioner or any other office or place of profit under the Corporation;

(d) is a licensed surveyor, architect or engineer, structural designer, clerk of works or plumber or a member of a firm of which any such licensed person is a member;

(e) holds any judicial office with jurisdiction within the limits of the City;

(f) subject to the provisions of sub-section (2), has directly or indirectly, by himself or his partner any share or interest in any contract or employment with, by or on behalf of the Corporation;

(g) having been elected a councillor is retained or employed in any professional capacity either personally or in the name of a firm in which he is a partner or with whom he is engaged in a professional capacity in connection with any cause or proceeding in which the Corporation or the Commissioner or the Transport Manager is interested or concerned; or

(h) fails to pay any arrears of any kind due to the Corporation by him, otherwise than as a trustee, within three months after a special notice in this behalf has been served on him by the Commissioner.

(2) A person shall not be deemed to have incurred disqualification under clause (f) of sub-section (1) by reason only of his—

(a) receiving a municipal pension;

(b) having any share or interest in—

(i) any lease, sale, exchange or purchase of land or any agreement for the same;

(ii) any agreement for the loan of money or any security for the payment of money only;

(iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted;

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(iv) any joint stock company or any society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925, which shall contract with or be employed by the Commissioner or the Transport Manager on behalf of the Corporation;

(v) the occasional sale to the Commissioner or Transport Manager on behalf of the Corporation of any article in which he regularly trades to a value not exceeding in the aggregate in any one official year two thousand rupees; or

(vi) the occasional letting out on hire to the Corporation or in the hiring from the Corporation of any article for an amount not exceeding in the aggregate in any one official year five hundred rupees;

(*c*) occupying as a tenant for the purpose of residence any premises belonging to the Corporation; or

(*d*) receiving conveyance charges as a member of the Transport Committee.

Disabilities from continuing as councillor.

11. A councillor shall cease to hold office as such if at any time during his term of office he—

(*a*) becomes disqualified for being a councillor by reason of the provisions of section 10;

(*b*) absents himself during three successive months from the meetings of the Corporation, except from temporary illness or other cause to be approved by the Corporation;

(*c*) absents himself from, or is unable to attend, the meetings of the Corporation during six successive months from any cause whatever, whether approved by the Corporation or not; or

(*d*) acts as a councillor or as a member of any committee of the Corporation by voting on, or taking part in the discussion of, or asking any question concerning, any matter in which he has directly or indirectly by himself or his partner any such share or interest as is described in clause (*b*) of sub-section (*2*) of section 10 or in which he is professionally interested on behalf of a client, principal or other person.

Questions to disqualification to be determined by the Judge.

12. (*1*) If any doubt or dispute arises whether a councillor has ceased to hold office as such under section 11, such councillor or any other councillor may, and, at the request of the Corporation, the Commissioner shall, refer the question to the Judge.

(*2*). On a reference being made to the Judge under sub-section (*1*) such councillor shall not be deemed to be disqualified until the Judge after holding an inquiry in the manner provided by or under this Act determines that he has ceased to hold office.

Liability of councillors to removal.

13. (*1*) The Provincial Government may, on the recommendation of the Corporation supported by the vote of not less than three-fourths of the whole number of councillors, remove from office with effect from such date as may be specified in the order of removal any councillor elected under this Act, if it is satisfied that such councillor has been guilty of misconduct in the discharge of his duty or of any disgraceful conduct or has become incapable of performing his duties as a councillor:

Provided that no recommendation shall be made by the Corporation under this section unless the councillor to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

(2) A person who has been removed from office under sub-section (1) shall be disqualified for being elected and for being a councillor for a period of five years from the date of his removal, unless the Provincial Government relieves him of the disqualification by an order which it is hereby empowered to make.

Election of Councillors.

Elections.

14. Elections of councillors shall be held in accordance with the rules.

Casual vacancies how to be filled.

15. (1) In the event of non-acceptance of office by a person elected to be a councillor, or of the death, resignation, disqualification or removal of a councillor during his term of office, there shall be deemed to be a casual vacancy in the office, and such vacancy shall be filled, as soon as conveniently may be, and, in any case, within three months of the date on which it is known that such vacancy has occurred, by the election of a person thereto, who shall hold office so long only as the councillor in whose place he is elected would have been entitled to hold it if the vacancy had not occurred:

Provided that no election shall be held for the filling of a casual vacancy if general elections are due to be held within six months of the occurrence of the vacancy.

(2) The provisions of section 18 shall apply to an election held for the filling of a casual vacancy.

Election petitions.

16. (1) If the qualification of any person declared to be elected a councillor is disputed, or if the validity of any election is questioned, whether by reason of the improper rejection by the Commissioner of a nomination or of the improper reception or refusal of a vote, or by reason of a material irregularity in the election proceedings, corrupt practice, or any other thing materially affecting the result of the election, any person enrolled in the municipal election roll may, at any time within ten days after the result of the election has been declared, submit an application to the Judge for the determination of the dispute or question.

(2) The Provincial Government may, if it has reason to believe that an election has not been a free election by reason of the large number of cases in which undue influence or bribery has been exercised or committed, by order in writing, authorise any officer to make an application to the Judge at any time within one month after the result of the election has been declared for a declaration that the election of the returned candidate or candidates is void.

(3) The Judge shall decide the applications made under sub-section (1) or (2) after holding an inquiry in the manner provided by or under this Act.

Explanations :—For the purposes of this section—

(1) " corrupt practice " means one of the following practices, namely :—

(a) any gift, offer or promise by a candidate or his agent or by any person with the connivance of a candidate or his agent of any gratification, pecuniary or otherwise, to any person whomsoever, with the object, directly or indirectly of inducing a person to stand or not to stand as, or to withdraw from being, a candidate at an election or a voter to vote or refrain from voting at an election or as a reward to a person for having so stood or not stood or for having withdrawn his candidature or a voter for having voted or refrained from voting;

(*b*) any direct or indirect interference or attempt to interfere on the part of a candidate or his agent or of any other person with the connivance of the candidate or his agent with the free exercise of any electoral right, including the use of threats of injury of any kind or the creation or attempt to create fear of divine displeasure or spiritual censure, but not including a declaration of public policy or a promise of public action or the mere exercise of a legal right without intent to interfere with a legal right;

(*c*) the procuring or abetting or attempting to procure by a candidate or his agent or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person whether living or dead or in a fictitious name or by a person for a voting paper in his own name when, by reason of the fact that he has already voted in the same or some other ward, he is not entitled to vote;

(*d*) the removal of a voting paper from the polling station during polling hours by any person with the connivance of a candidate or his agent;

(*e*) the publication by a candidate or his agent or by any other person with the connivance of the candidate or his agent of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election;

(*f*) any acts specified in paragraphs (*a*), (*b*), (*d*) and (*e*) when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent;

(*g*) the application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name when, by reason of the fact that he has already voted in the same or another ward, he is not entitled to vote; or

(*h*) the receipt of, or agreement to receive, any gratification of the kind described in paragraph (*a*) as a motive or reward for doing or refraining from doing any of the acts therein specified;

(*2*) a corrupt practice shall not be deemed to have been committed in the interests of a returned candidate if the Judge is satisfied that it was of a trivial and limited character which did not affect the result of the election, that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents, that it was committed without the sanction or connivance or contrary to the orders of the candidate or his agents and that the candidate and his agents took all reasonable means for preventing the commission of corrupt practices at the election.

Disqualification of voters for corrupt practice.

17. Any person who has been convicted of an offence under section 171E or 171F of the Indian Penal Code or has been disqualified from exercising any electoral right for a period of not less than five years on account of malpractices in connection with an election shall be disqualified for a period of five years from the date of such conviction or disqualification from voting at any ward election in the City.

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Procedure if election fails or is set aside.

18. (*1*) If at any general elections or an election held to fill a casual vacancy, no councillor is elected or an insufficient number of councillors are elected or the election of any or all of the councillors is set aside under this Act and there is no other candidate or candidates who can be deemed to be elected in his or their place, the Commissioner shall appoint another day for holding a fresh election and a fresh election shall be held accordingly.

(*2*) A councillor elected under this section shall be deemed to have been elected to fill a casual vacancy under section 15.

Mayor and Deputy Mayor.

19. (*1*) The Corporation shall at its first meeting after general elections and at its first meeting in the same month in each succeeding year elect from amongst the councillors one of its number to be the Mayor and another to be the Deputy Mayor.

(*2*) The Mayor and the Deputy Mayor shall hold office until a new Mayor and a new Deputy Mayor have been elected under sub-section (*1*) and, in a year in which general elections have been held, shall do so notwithstanding that they have not been returned as councillors on the results of the elections.

(*3*) A retiring Mayor or Deputy Mayor shall be eligible for re-election to either office.

(*4*) The Deputy Mayor may resign his office at any time by notice in writing to the Mayor and the Mayor may resign his office at any time by notice in writing to the Corporation.

(*5*) If any casual vacancy occurs in the office of Mayor or Deputy Mayor the Corporation shall, as soon as convenient after the occurrence of the vacancy, choose one of its number to fill the vacancy and every Mayor or Deputy Mayor so elected shall hold office so long only as the person in whose place he is appointed would have been entitled to hold it if the vacancy had not occurred.

Standing Committee.

Constitution of Standing Committee.

20. (*1*) The Standing Committee shall consist of twelve councillors.

(*2*) The Corporation shall at its first meeting after general elections appoint twelve persons out of its own body to be members of the Standing Committee.

(*3*) One-half of the members of the Standing Committee shall retire every succeeding year at noon on the first day of the month in which the first meeting of the Corporation mentioned in sub-section (*2*) was held:

Provided that all the members of the Standing Committee in office when general elections are held shall retire from office on the election of a new Committee under sub-section (*2*).

(*4*) The members who shall retire under sub-section (*3*) one year after their election under sub-section (*2*) shall be selected by lot at such time previous to the date for retirement specified in sub-section (*3*) and in such manner as the Chairman of the Standing Committee may determine, and in succeeding years the members who shall retire under this section shall be those who have been longest in office :

Provided that, in the case of a member who has been reappointed, the term of his office for the purposes of this sub-section shall be computed from the date of his reappointment.

(5) The Corporation shall at its meeting held in the month preceding the date of retirement specified in sub-section (3) appoint fresh members of the Standing Committee to fill the offices of those who are due to retire on the said date.

(6) Any councillor who ceases to be a member of the Standing Committee shall be eligible for reappointment.

Appointment of Chairman of Standing Committee.

21. (1) The Standing Committee shall at its first meeting after its appointment under sub-section (2) of section 20 and at its first meeting in the same month in each succeeding year appoint one of its own number to be the Chairman.

(2) The Chairman shall hold office until his successor has been appointed under sub-section (1) but shall be eligible for reappointment.

(3) Notwithstanding the provisions of sub-sections (1) and (2) the Chairman shall vacate office as soon as he ceases to be a member of the Committee.

(4) If any casual vacancy occurs in the office of the Chairman, the Standing Committee shall, as soon as conveniently may be after the occurrence of the vacancy, appoint one of its number to fill such vacancy and every Chairman so appointed shall continue in office so long only as the person in whose place he is appointed would have held it if such vacancy had not occurred.

Member of Standing Committee absenting himself from meetings to vacate seat.

22. Any member of the Standing Committee who absents himself during two successive months from the meetings of the Committee, except on account of temporary illness or other cause to be approved by the Committee, or absents himself from, or is unable to attend, the meetings of the Committee during four successive months from any cause whatever, whether approved by the Commitee or not, shall cease to be a member of the Standing Committee and his seat shall thereupon be vacant.

Casual vacancies in Standing Committee how to be filled.

23. In the event of non-acceptance of office by a councillor appointed to be a member of the Standing Committee or of the death or resignation of a member of the said Committee or of his becoming incapable of acting previous to the expiry of his term of office or of his seat becoming vacant under section 22 or on his ceasing to be a councillor, the vacancy shall be filled up, as soon as it conveniently may be, by the appointment of a person thereto, who shall hold office so long only as the member in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

Standing Committee may delegate powers to Special Committee or Sub-Committee.

24. (1) The Standing Committee may, from time to time, by a resolution carried by the vote of at least two-thirds of its members present at the meeting, delegate to any Special Committee appointed under section 30 any of its powers and duties in respect of any matter with which such Special Committee is competent to deal, or refer to any such Committee any such matter for disposal or report, and every such

Provided that every such resolution shall be reported by the Standing Committee to the Corporation as soon as possible, and the Corporation may at any time cancel such resolution.

(2) The Standing Committee may, subject to the rules, by a specific resolution in this behalf delegate any of its powers and duties to sub-committees consisting of such members of the Standing Committee not less in number than three as the Standing Committee thinks fit and every such sub-committee shall conform to any instructions that may from time to time be given to it by the Standing Committee.

The Transport Committee.

Appointment of Transport Committee.

25. (1) In the event of the Corporation acquiring or establishing a Transport Undertaking there shall be a Transport Committee consisting of nine members for the purpose of conducting the said undertaking in accordance with the provisions of this Act and subject to the conditions and limitations as are contained therein.

(2) The Corporation shall at its first meeting after a Transport Undertaking is acquired or established appoint eight members of the Transport Committee from among persons who in the opinion of the Corporation have had experience of, and shown capacity in, administration or transport or in engineering, industrial, commercial, financial or labour matters and who may or may not be councillors.

(3) A person shall be disqualified for being appointed, and for being, a member of the Transport Committee if, under the provisions of this Act or any other law for the time being in force, he would be disqualified for being elected as, and for being, a councillor.

(4) The Chairman of the Standing Committee shall be a member of the Transport Committee *ex-officio*.

(5) One-half of the members of the Transport Committee appointed by the Corporation shall retire in every second year on the first day of the month in which the meeting referred to in sub-section (2) was held.

(6) The members who shall retire two years after their appointment under sub-section (2) shall be selected by lot at such time previous to the first day of the month immediately preceding the date of their retirement and in such manner as the Chairman of the Transport Committee shall determine; thereafter the members of the Transport Committee who shall retire shall be the members who were longest in office:

Provided that in the case of a member who has been reappointed, the term of his office for the purpose of this sub-section shall be computed from the date of his reappointment.

(7) Vacancies caused by the retirement of members under sub-section (5) shall be filled by the appointment by the Corporation of duly qualified persons thereto at its ordinary meeting in the month immediately preceding the occurrence of the vacancies:

Provided that in a year in which general elections of councillors are held, such vacancies shall be filled by the Corporation at its first meeting after such elections if such meeting is due to be held within three months of the occurrence of the vacancies and, in such event, the members

who would under sub-section (5) have retired on the date specified therein shall continue to be in office until new members have been appointed under this sub-section.

(8) A retiring member shall be eligible for re-appointment.

(9) In the event of non-acceptance of office by any person appointed to be a member of the Transport Committee or of the death, resignation or disqualification of a member of the Committee or of his becoming incapable of acting, or of his office becoming vacant under the provisions of section 26, the vacancy shall be filled up, as soon as conveniently may be, by the appointment by the Corporation of a duly qualified person thereto, and such person shall hold office so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred.

Disqualification of members of Transport Committee.

(1) Any person who, having been appointed a member of the Transport Committee,—

(a) becomes disqualified for being a member of the Committee under the provisions of sub-section (3) of section 25, or

(b) acts as a member of the Committee by voting or taking part in the discussion of or asking any question concerning any matter in which he has directly or indirectly, by himself or his partner, any such share or interest as is described in clause (b) of sub-section (2) of section 10 or in which he is professionally interested on behalf of a client, principal or other person, or

(c) absents himself during two successive months from the meetings of the Committee except from temporary illness or other cause to be approved by the Committee, or

(d) absents himself from or is unable to attend the meetings of the Committee during four successive months from any cause whatsoever, whether approved by the Committee or not,

shall cease to be a member of the Committee and his office shall thereupon become vacant.

(2) If any doubt or dispute arises whether a vacancy has occurred under sub-section (1) the Commissioner shall, at the request of the Corporation, refer the question to the Judge.

Chairman of Transport Committee.

(1) The Transport Committee shall at its first meeting after its appointment under sub-section (2) of section 25 and at its first meeting in the same month in each succeeding year appoint one of its number to be the Chairman.

(2) The Chairman shall hold office until his successor has been appointed under sub-section (1) but shall be eligible for reappointment.

(3) Notwithstanding the provisions of sub-sections (1) and (2) the Chairman shall vacate office as soon as he ceases to be a member of the Committee.

(4) In the event of the office of Chairman falling vacant previous to the expiry of his term the Committee shall, as soon as conveniently may be after the occurrence of the vacancy, appoint one of its number to fill such vacancy and the Chairman so appointed shall hold office so long only as the person in whose place he is appointed would have held it if such vacancy had not occurred.

Conveyance charges for attendance at meetings of Transport Committee.

28. The Chairman and members of the Transport Committee shall be paid such conveyance charges for attending meetings of the Committee as may be prescribed by rules.

Sub-committees of Transport Committee.

29. (*1*) The Transport Committee may from time to time appoint out of its own body sub-committees consisting of such number of persons as the Committee thinks fit.

(*2*) The Committee may by specific resolution carried by the vote of at least two-thirds of its number present at the meeting delegate any of its powers and duties to a sub-committee and may also by a like resolution define the sphere of business of such sub-committee.

(*3*) The Committee may refer to a sub-committee appointed under sub-section (*1*) for inquiry and report or for opinion any matter with which the Committee is competent to deal.

Special and Ad hoc *Committees.*

Special Committees of the Corporation.

30. (*1*) The Corporation may from time to time appoint out of its own body, Special Committees which shall conform to any instructions that the Corporation may from time to time give them.

(*2*) The Corporation may by a specific resolution passed by the vote of not less than two-thirds of the councillors present and voting at a meeting of the Corporation define the sphere of business of each Special Committee and direct that all matters and questions included in any such sphere shall in the first instance be placed before the appropriate Committee and shall be submitted to the Corporation with such Committee's recommendation; and the Corporation may also by a like resolution delegate any of its powers and duties to specified Special Committees.

(*3*) Every Special Committee shall appoint two of its number to be its Chairman and Deputy Chairman:

Provided that no councillor shall, at the same time, be the Chairman of more than one Special Committee.

(*4*) The Chairman and in his absence the Deputy Chairman and, in the absence of both, such other member as may be chosen by the members of the Special Committee present at a meeting thereof shall preside at the meeting.

(*5*) Any member of a Special Committee who absents himself during two successive months from the meetings of such Committee, except on account of temporary illness or other cause to be approved by such Committee, or absents himself from or is unable to attend the meetings of such Committee during four successive months from any cause whatever, whether approved by such Committee or not, shall cease to be a member of such Committee and his seat shall thereupon be vacant.

(*6*) All the proceedings of every Special Committee shall be subject to confirmation by the Corporation:

Provided that if, in delegating any of its powers or duties to a Special Committee under sub-section (*2*), the Corporation directs that the decision of such Committee shall be final, then so much of the proceedings of such Committee as relates to such powers or duties shall not be subject to confirmation by the Corporation, if such decision is supported by at least half the total number of members of such Committee:

Provided further that any Special Committee may by a resolution supported by at least half the whole number of members direct that

action be taken in accordance with the decision of such Committee without waiting for confirmation of its proceedings by the Corporation. where such confirmation is required, if such Committee considers that serious inconvenience would result from delay in taking such action; but if the Corporation does not subsequently confirm the proceedings of such Committee such steps as may still be practicable shall be taken without delay to carry out the orders of the Corporation.

(7) The Corporation may at any time dissolve or alter the constitution of a Special Committee.

(8) The constitution of Special Committees and the conduct of business at meetings of such Committees, the keeping of minutes and the submission of reports and other matters before such Committees shall be regulated by rules.

Appointment of *Ad hoc* Committees.

31. (1) The Corporation may from time to time appoint out of its own body such *ad hoc* Committees consisting of such number of councillors as it shall think fit, and may refer to such Committees for inquiry and report or for opinion, such special subjects relating to the purposes of this Act as it shall think fit, and direct that the report of any such Committee shall be submitted through the Standing Committee or a Special Committee constituted under section 30.

(2) An *ad hoc* Committee appointed under sub-section (1) may, with the previous sanction of the Corporation, co-opt not more than two persons who are not councillors but who in the opinion of the Committee possess special qualifications for serving thereon.

Joint Committees.

Joint transactions with other local authorities.

32. (1) The Corporation may from time to time join with a local authority or with a combination of local authorities—

(a) in appointing a joint committee out of their respective bodies for any purpose in which they are jointly interested, and in appointing a chairman of such committee;

(b) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work, and any power which might be exercised by any of such bodies ; and

(c) in framing and modifying rules for regulating the proceedings of any such committee in respect of the purpose for which the committee is appointed.

(2) Where the Corporation has requested the concurrence of any other local authority under the provisions of sub-section (1) in respect of any matter and such other local authority has refused to concur, the Provincial Government may pass such orders as it deems fit requiring the concurrence of such other local authority, not being a cantonment authority, in the matter aforesaid and such other local authority shall comply with such orders.

(3) If any difference of opinion arises between the Corporation and any other local authority which has joined the Corporation under this section, the matter shall be referred to the Provincial Government whose decision thereupon shall be final and binding:

Provided that, if the local authority concerned is a cantonment authority, any such decision shall not be binding unless it is confirmed by the Central Government.

(4) The Corporation may from time to time with the sanction of the Provincial Government enter into an agreement with a local authority or with a combination of local authorities for the levy of octroi or tolls by the Corporation on behalf of the bodies so agreeing and, in that event, the provisions of this Act shall apply in respect of such levy as if the area of the City were extended so as to include the area or areas subject to the control of such local authority or such combination of local authorities.

Provisions regarding validity of proceedings.

Vacancy in Corporation, etc. not to invalidate its proceedings.

33. No act or proceedings of the Corporation or of any committee or sub-committee appointed under this Act shall be questioned on account of any vacancy in its body.

Proceedings of Corporation, etc., not vitiated by disqualification, etc., of members thereof.

34. No disqualification of, or defect in, the election or appointment of any person acting as a councillor, as the Mayor or the Deputy Mayor or the presiding authority of the Corporation or as the Chairman or a member of any Committee or sub-committee appointed under this Act shall be deemed to vitiate any act or proceeding of the Corporation or of any such Committee or sub-committee, as the case may be, in which such person has taken part, provided the majority of the persons who were parties to such act or proceedings were entitled to act.

Proceedings of meetings to be good and valid until contrary is proved.

35. Until the contrary is proved, every meeting of the Corporation or of a Committee or sub-committee in respect of the proceedings whereof a minute has been made and signed in accordance with this Act or the rules shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a Committee or sub-committee, such Committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

The Municipal Commissioner.

Appointment of the Commissioner.

36. (1) The Commissioner shall from time to time be appointed by the Provincial Government.

(2) The Commissioner shall in the first instance hold office for such period not exceeding three years as the Provincial Government may fix and his appointment may be renewed from time to time for a period not exceeding three years at a time.

(3) Notwithstanding the provisions of sub-section (2) the Commissioner may at any time, if he holds a lien on the service of the Crown, be recalled to such service after consultation with the Corporation and may further at any time be removed from office by the Provincial Government for incapacity, misconduct or neglect of duty and shall forthwith be so removed if at a meeting of the Corporation not less than five-eighths of the whole number of councillors vote in favour of a resolution requiring his removal.

37. (*1*) The Commissioner shall receive from the Municipal Fund such monthly salary and allowances as the Provincial Government may from time to time after consultation with the Corporation determine: Salary of Commissioner.

Provided that the salary of the Commissioner shall not be altered to his disadvantage during the period for which his appointment has been made or renewed.

(*2*) The Commissioner shall devote his whole time and attention to the duties of his office as prescribed in this Act or in any other law for the time being in force and shall not engage in any other profession, trade or business whatsoever:

Provided that he may with the sanction of the Corporation serve on any committee constituted for the purpose of any local inquiry or for the furtherance of any object of local importance or interest.

(*3*) When a salaried servant of the Crown is appointed as the Commissioner such contribution to his pension, leave and other allowances as may be required by the conditions of his service under the Crown to be made by him or on his behalf shall be paid to the Provincial Government from the Municipal Fund.

38. (*1*) The Provincial Government may from time to time with the assent of the Standing Committee grant leave of absence to the Commissioner for such period as it thinks fit. Grant of leave of absence to Commissioner and leave allowance.

(*2*) The allowances to be paid to the Commissioner while absent on leave shall be of such amount, not exceeding his salary, as shall be fixed by the Provincial Government and shall, unless the Commissioner is a salaried servant of the Crown, be paid from the Municipal Fund:

Provided that, if the Commissioner is a salaried servant of the Crown, the amount of such allowance shall be regulated by the rules for the time being in force relating to the leave allowances of salaried servants of the Crown of his class.

39. During the absence on leave or other temporary vacancy in the office of the Commissioner, the Provincial Government may appoint a person to act as the Commissioner and every person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act or any other law for the time being in force on the Commissioner and shall be subject to all the liabilities, restrictions and conditions to which the Commissioner is liable and shall receive such monthly salary not exceeding the salary for the time being payable to the Commissioner as the Provincial Government shall determine. Appointment and remuneration of acting Commissioner.

Transport Manager.

40. (*1*) In the event of the Corporation acquiring or establishing a Transport Undertaking the Corporation shall, subject to the approval of the Provincial Government, appoint a fit person to be the Transport Manager of the Transport Undertaking. Appointment of Transport Manager.

(*2*) The Transport Manager shall receive such monthly salary and allowances as the Corporation shall from time to time, with the approval of the Provincial Government, determine :

Provided that the salary of the Transport Manager shall not be altered to his disadvantage during his period of office.

Leave of Transport Manager.

41. (*1*) Leave of absence may be granted from time to time to the Transport Manager by the Transport Committee with the assent of the Corporation.

(*2*) The allowance to be paid to the Transport Manager whilst so absent on leave shall be of such amount, not exceeding the amount of his salary, as shall be fixed by the Corporation.

(*3*) During the absence on leave or other temporary vacancy in the office of the Transport Manager the Transport Committee, with the assent of the Corporation, may appoint a person to act as Transport Manager; every person so appointed shall exercise the powers and perform the duties conferred and imposed on the Transport Manager and shall be subject to the same liabilities, restrictions and conditions to which the Transport Manager is liable and shall receive such monthly salary, not exceeding the salary for the time being payable to the Transport Manager, as the Corporation shall determine.

Disqualifications of the Commissioner.

Commissioner not to be interested in any contract, etc., with Corporation.

42. (*1*) No person shall be qualified to be appointed or to be the Commissioner if he has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of, the Corporation or in any employment with, by or on behalf of the Corporation other than as Commissioner.

(*2*) Any Commissioner who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid shall cease to be Commissioner and his office shall become vacant.

(*3*) Nothing in this section shall apply to any such share or interest in any contract or employment with, by or on behalf of the Corporation as, under sub-clause (ii) or (iv) of clause (*b*) of sub-section (*2*) of section 10 it is permissible for a councillor to have without his being thereby disqualified for being a councillor.

CHAPTER III.

PROCEEDINGS OF THE CORPORATION, STANDING COMMITTEE, TRANSPORT COMMITTEE AND OTHER BODIES.

Proceedings of the Corporation, Standing Committee, etc.

43. (*1*) The meetings of the Corporation, the Standing Committee, the sub-committees of the Standing Committee, the Transport Committee, the sub-committees of the Transport Committee, Special Committees and *ad-hoc* Committees shall be held and the business before them shall be disposed of in the manner prescribed by rules.

(*2*) The Commissioner shall have the same right of being present at a meeting of the Corporation and of taking part in the discussions thereat as a councillor, and, with the permission of the presiding authority, may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make, any proposition at such meeting.

(*3*) The Corporation may require any of its officers to attend any meeting or meetings of the Corporation at which any matter dealt with by such officer in the course of his duties is being discussed; when any officer is thus required

to attend any such meeting, he may be called upon to make a statement or explanation of facts or supply such information in his possession relating to any matter dealt with by him as the Corporation may require.

(4) The Commissioner shall have the same right of being present at a meeting of the Standing Committee or of a sub-committee and of taking part in the discussions thereat as a member of the said committee, but he shall not be at liberty to vote upon, or make, any proposition at such meeting.

(5) The Commissioner and in his absence the Deputy or Assistant Commissioner authorised by the Commissioner in this behalf and the Transport Manager and in his absence any officer authorised by the Transport Manager in this behalf shall have the same right of being present at a meeting of the Transport Committee or of a sub-committee and of taking part in the discussion thereat as a member of the said committee, but shall not be at liberty to vote upon or make any proposition at such meeting.

44. A councillor may, subject to the conditions prescribed by rules, ask questions on any matter relating to the administration of this Act or the municipal government of the City. Right to ask questions.

CHAPTER IV.

MUNICIPAL OFFICERS AND SERVANTS—THEIR APPOINTMENT AND CONDITIONS OF SERVICE.

City Engineer, Medical Officer of Health, Municipal Chief Auditor, Municipal Secretary, Deputy Municipal Commissioner and Assistant Municipal Commissioner.

45. (1) The Corporation shall from time to time appoint fit persons to be City Engineer, Medical Officer of Health, Municipal Chief Auditor and Municipal Secretary. Appointment of City Engineer, etc.

(2) The Corporation may from time to time with the approval of the Provincial Government create an appointment of Deputy Municipal Commissioner or an appointment of Assistant Municipal Commissioner or so many such appointments as it considers necessary, and may appoint a fit person or fit persons to such appointments.

(3) An officer appointed under this section shall have such qualifications as may be prescribed under the rules and shall receive such monthly salary and allowances as the Corporation may with the approval of the Provincial Government from time to time fix:

Provided that the salary of no officer shall be altered to his disadvantage during his period of office.

(4) Every appointment made under this section excepting an appointment of a Municipal Secretary shall be subject to confirmation by the Provincial Government and any officer whose appointment the Provincial Government refuses to confirm shall be removed from office forthwith.

(5) On the occurrence of a vacancy in any office specified in this section an appointment shall be made thereto by the Corporation within four months from the date on which the vacancy occurred or, in the event of the removal of an officer under sub-section (4), within thirty days of the receipt by the Corporation of the order of the Provincial Government.

(6) In default of an appointment being made by the Corporation under sub-section (5), the Provincial Government may appoint a fit person to fill the vacancy and such appointment shall for all purposes be deemed to have been made by the Corporation.

(7) Pending the settlement of an appointment under sub-section (1) or sub-section (5), the Corporation may appoint a person to fill the vacancy temporarily and may direct that the person so appointed shall receive such monthly salary and allowances not exceeding the maximum fixed under sub-section (3) for the time being as it thinks fit :

Provided that no such appointment shall extend beyond or be made after a lapse of six months from the date on which the vacancy occurs.

Powers and duties of City Engineer and Medical Officer of Health.

46. The City Engineer and the Medical Officer of Health shall perform such duties as they are directed by or under this Act to perform and such other duties as may be required of them by the Commissioner.

Powers and duties of Municipal Chief Auditor.

47. (1) The Municipal Chief Auditor shall—

(a) perform such duties as he is directed by or under this Act to perform and such other duties with regard to the audit of the accounts of the Municipal Fund as shall be required of him by the Corporation or by the Standing Committee and with regard to the audit of the accounts of the Transport Fund as shall be required of him by the Transport Committee ;

(b) prescribe, subject to such directions as the Standing Committee may from time to time give, the duties of the auditors and assistant auditors, clerks and servants immediately subordinate to him ; and

(c) subject to the orders of the Standing Committee, exercise supervision and control over the acts and proceedings of the said auditors, assistant auditors, clerks and servants and, subject to the regulations, dispose of all questions relating to the service, remuneration and privileges of the said auditors, assistant auditors, clerks and servants.

(2) The Municipal Chief Auditor shall not be eligible for further office under the Corporation after he has ceased to hold his office.

Powers and duties of Municipal Secretary.

48. The Municipal Secretary shall be the Secretary of the Corporation and also of the Standing Committee and shall—

(a) perform such duties as he is directed by or under this Act to perform and such other duties in and with regard to the Corporation and the Standing Committee as shall be required of him by those bodies respectively ;

(b) have the custody of all papers and documents connected with the proceedings of—

(i) the Corporation and any Committee appointed by the Corporation under section 30 or 31,

(ii) the Standing Committee and any sub-committee thereof ;

(c) prescribe, subject to such directions as the Standing Committee may from time to time give, the duties of the officers and servants immediately subordinate to him; and

(d) subject to the orders of the Standing Committee exercise supervision and control over the acts and proceedings of the said officers

and servants and, subject to the regulations, dispose of all questions relating to the service, remuneration and privileges of the said officers and servants.

Powers and duties of Deputy or Assistant Municipal Commissioner.

49. (*1*) A Deputy Municipal Commissioner or Assistant Municipal Commissioner shall, subject to the orders of the Commissioner, exercise such of the powers and perform such of the duties of the Commissioner as the Commissioner shall from time to time depute to him:

Provided that the Commissioner shall inform the Corporation of the powers and duties which he from time to time deputes to a Deputy Municipal Commissioner or Assistant Municipal Commissioner.

(*2*) All acts and things performed and done by a Deputy Municipal Commissioner or Assistant Municipal Commissioner during his tenure of office and by virtue thereof shall for all purposes be deemed to have been performed and done by the Commissioner.

Conditions of service of statutory officers of Corporation.

50. (*1*) The Transport Manager and all officers appointed under section 45 shall, subject to the provisions of sub-section (*2*), devote their whole time and attention to the duties of their respective offices and shall not engage in any other profession, trade or business whatsoever.

(*2*) The Corporation may, subject to the regulations, permit the Transport Manager or any other officer referred to in sub-section (*1*) to perform while on duty or during leave a specified service or series of services for a private person or body or for a public body, including a local authority or for the Government and to receive remuneration therefor.

(*3*) The Transport Manager or any other officer referred to in sub-section (*1*) shall be removable at any time from office for misconduct or for neglect of, or incapacity for, the duties of his office on the votes of not less than one half of the whole number of councillors.

(*4*) In all matters not otherwise provided for in this Act, the conditions of service of the Transport Manager and other officers specified in sub-section (*1*) shall be regulated by the regulations.

Other Officers and Servants.

Number, designations, grades, etc. of other municipal officers and servants.

51. (*1*) Subject to the provisions of sub-section (*4*), the Standing Committee shall from time to time determine the number, designations, grades, salaries, fees and allowances of auditors, assistant auditors, officers, clerks and servants to be immediately subordinate to the Municipal Chief Auditor and the Municipal Secretary respectively.

(*2*) The Commissioner shall, from time to time, prepare and bring before the Standing Committee a statement setting forth the number, designations and grades of the other officers and servants who should in his opinion be maintained, and the amount and nature of the salaries fees and allowances which he proposes should be paid to each.

(3) The Standing Committee shall, subject to the provisions of sub-section (4), sanction such statement either as it stands or subject to such modifications as it deems expedient.

(4) No new permanent office with a minimum monthly salary, exclusive of allowances, of one hundred rupees or more shall be created without the sanction of the Corporation and no new office with a minimum monthly salary, exclusive of allowances, of five hundred rupees or more or with a maximum monthly salary, exclusive of allowances, of eight hundred rupees or more shall be created without the sanction of the Provincial Government.

(5) Nothing in this section shall be construed as affecting the right of the Corporation or of the Commissioner to make any temporary appointment which it or he is empowered to make under section 53.

Explanation.—An increase in the salary of any permanent office shall be deemed, for the purpose of sub-section (4), to be the creation of a new office if, by reason of such increase, the minimum monthly salary, exclusive of allowances, amounts to one hundred rupees or more or five hundred rupees or more, as the case may be, or the maximum monthly salary, exclusive of allowances, amounts to eight hundred rupees or more.

Restriction on employment of permanent officers and servants.

52. No permanent officer or servant shall be entertained in any department of the municipal administration unless he has been appointed under section 40 or 45, or his office and emoluments are covered by sub-section (1) of section 51 or are included in the statement sanctioned under sub-section (3) of section 51 and for the time being in force.

Power of appointment in whom to vest.

53. (1) The power of appointing municipal officers, whether temporary or permanent, whose minimum monthly salary exclusive of allowances is or exceeds four hundred rupees shall vest in the Corporation:

Provided that temporary appointments for loan works carrying a monthly salary of rupees four hundred or more exclusive of allowances may be made for a period of not more than six months by the Commissioner with the previous sanction of the Standing Committee on condition that every such appointment shall forthwith be reported by the Commissioner to the Corporation and no such appointment shall be renewed on the expiry of the said period of six months without the previous sanction of the Corporation.

(2) Save as otherwise provided in sub-section (1), the power of appointing municipal officers and servants, whether temporary or permanent, under the immediate control of the Municipal Chief Auditor and the Municipal Secretary shall vest in the Municipal Chief Auditor or the Municipal Secretary, as the case may be, subject, in either case, to the approval of the Standing Committee unless the said Committee in any particular case or class of cases dispenses with this requirement.

(*3*) Save as otherwise provided in this Act, the power of appointing municipal officers and servants whether permanent or temporary vests in the Commissioner :

Provided that such power in respect of permanent appointments shall be subject to the statement for the time being in force prepared and sanctioned under section 51 :

Provided further that no temporary appointment shall be made by the Commissioner for any period exceeding six months and no such appointment carrying a monthly salary of more than one hundred rupees exclusive of allowances shall be renewed by the Commissioner on the expiry of the said period of six months without the previous sanction of the Standing Committee.

54. (*1*) There shall be a Staff Selection Committee consisting of the Commissioner or any other officer designated by him in this behalf, the Municipal Chief Auditor, the Head of the Department concerned and not more than one other officer nominated by the Commissioner. Manner of making appointments.

(*2*) The Staff Selection Committee shall, in the manner prescribed in the rules, select candidates for all appointments in the municipal service other than appointments referred to in sub-section (*1*) of section 53 and other than those which the Corporation may, with the previous approval of the Provincial Government, by order specify in this behalf, unless it is proposed to fill the appointment from amongst persons already in municipal service or unless the appointment is of a temporary character and is not likely to last for more than six months.

(*3*) Every authority competent to make appointments in the municipal service shall make appointments of the candidates so selected in accordance with the directions given by the Staff Selection Committee.

(*4*) With reference to officers and servants appointed under Chapter XX, the provisions of this section shall apply as if for the word " Commissioner " the words " Transport Manager " had been substituted.

(*5*) Subject to the provisions of this section, any appointment of a municipal officer or servant shall be made in the manner prescribed in the rules, save as expressly provided therein.

55. Nothing in sections 51, 52 and 53 shall apply to officers and servants appointed under the provisions of Chapter XX. Saving in respect of officers and servants appointed under Chapter XX.

Imposition of penalties.

Imposition of penalties on municipal officers and servants.

56. (*1*) A competent authority may subject to the provisions of this Act impose any of the penalties specified in sub-section (*2*) on a municipal officer or servant if such authority is satisfied that such officer or servant is guilty of a breach of departmental rules or discipline or of carelessness, neglect of duty or other misconduct or is incompetent:

Provided that—

(*a*) no municipal officer or servant whose monthly salary, exclusive of allowances, exceeds two hundred rupees shall be dismissed by the Commissioner without the previous approval of the Standing Committee;

(*b*) any officer appointed by the Corporation excepting the Transport Manager may be suspended by the Standing Committee pending an order of the Corporation, such suspension and the reason therefor being forthwith reported to the Corporation;

(*c*) the Commissioner may impose any of the penalties specified in clauses (*a*), (*b*), (*c*), (*d*) and (*e*) of sub-section (*2*) on any officer appointed by the Corporation other than the Transport Manager or an officer appointed under section 45;

(*d*) the Municipal Chief Auditor and the Municipal Secretary may impose any of the penalties specified in clauses (*a*), (*b*), (*c*), (*d*) and (*e*) of sub-section (*2*) on any officer or servant immediately subordinate to them and drawing a monthly salary not exceeding rupees one hundred and fifty, exclusive of allowances, subject to a right of appeal to the Standing Committee and the Standing Committee may impose any other penalty on any such officer or servant and may also impose any penalty on any other officer or servant immediately subordinate to the Municipal Chief Auditor or the Municipal Secretary.

(*2*) The penalties which may be imposed under this section are the following, namely:—

(*a*) censure;

(*b*) with-holding of increments or promotion including stoppage at an efficiency bar;

(*c*) reduction to a lower post or time-scale, or to a lower stage in a time-scale;

(*d*) fine;

(*e*) recovery from salary of the whole or part of any pecuniary loss caused to the Corporation;

(*f*) suspension;

(*g*) removal from municipal service which does not disqualify from future employment;

(*h*) dismissal from municipal service which ordinarily disqualifies from future employment;

(3) No officer or servant shall be reduced to a lower post or removed or dismissed from service under this section unless he has been given a reasonable opportunity of showing cause against such reduction, removal or dismissal:

Provided that this sub-section shall not apply—

(*a*) where a person is reduced, removed or dismissed on the ground of conduct which has led to his conviction on a criminal charge; or

(*b*) where the competent authority is satisfied that, for reasons to be recorded in writing by such authority, it is not reasonably practicable to give that person an opportunity of showing cause.

(4) Subject to the provisions of clause (*d*) of the proviso to sub-section (*1*), any municipal officer or servant who is reduced, removed or dismissed by any authority other than the Corporation may, within one month of the communication to him of the order of reduction, removal or dismissal, appeal to the authority immediately superior to the authority which imposed the penalty and the appellate authority may, after obtaining the remarks of the authority which imposed the penalty, either confirm the order passed or substitute for it such order as it considers just, including an order for the imposition of some lesser penalty, and effect shall forthwith be given to any order passed by the appellate authority which shall be conclusive:

Provided that for the purposes of this sub-section the Standing Committee shall be deemed to be the authority immediately superior to the Commissioner and the Corporation shall be deemed to be the authority immediately superior to the Standing Committee.

(5) With reference to officers and servants appointed under Chapter XX the provisions of this section shall apply as if for the word "Commissioner" the words "Transport Manager" and for the words "Standing Committee" the words "Transport Committee" had been substituted.

Explanation.—(*1*) For the purposes of this section a competent authority is the authority which under the provisions of this Act is competent to make the appointment to the post held by the particular municipal officer or servant.

(2) The monthly salary which would ordinarily be admissible to a municipal officer or servant on the date immediately preceding the date of the order imposing a penalty shall be deemed to be his salary for the purposes of the proviso to sub-section (*1*).

Leave of absence, acting appointments, etc.

Leave of absence.

57. (*1*) Leave of absence may be granted subject to the regulations by the Commissioner to any municipal officer or servant whom he has the power of appointing and for a period not exceeding one month to any other municipal officer, other than the Transport Manager, officers and servants immediately subordinate to the Municipal Chief Auditor or the Municipal Secretary and officers and servants appointed under Chapter XX.

(*2*) Leave of absence may be granted by the Municipal Chief Auditor or the Municipal Secretary, as the case may be, to a clerk or servant immediately subordinate to him and receiving a monthly salary, exclusive of allowances, not exceeding one hundred and fifty rupees.

(*3*) Leave of absence may be granted by the Standing Committee to any officer or servant not covered by sub-section (*1*) or sub-section (*2*) excepting the Transport Manager and officers and servants appointed under the provisions of Chapter XX.

Acting appointments.

58. (*1*) The appointment of a person to act in the place of an officer absent on leave may be made when necessary and subject to the regulations by the authority granting the leave of absence :

Provided that—

(*a*) when an officer appointed under section 45 is granted leave of absence for a period exceeding one month, the appointment of a person to act for him shall be made by the Corporation and, excepting an appointment to act for the Municipal Secretary, shall be reported forthwith to the Provincial Government;

(*b*) any appointment reported to the Provincial Government under clause (*a*) may be disallowed by it and from the time of being so disallowed shall be null and void as from the date of the receipt by the Corporation of the order of the Provincial Government.

(*2*) A person appointed under this section to act for any officer or servant shall, while so acting, perform the same duties and exercise the same powers and be subject to the same liabilities, restrictions and conditions which such officer or servant is bound to perform or may exercise or to which such officer or servant is liable.

Disqualification of municipal officers and servants.

Disqualification of municipal officers and servants.

59. (*1*) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by, or on behalf of the Corporation, or in any employment with, by, or on behalf of the Corporation other than as a municipal officer or servant, shall be disqualified for being a municipal officer or servant.

(*2*) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid shall cease to be a municipal officer or servant and his office shall become vacant.

(*3*) Nothing in this section shall apply to any such share or interest in any contract or employment with, by, or on behalf of the Corporation as under sub-clause (ii) or (iv) of clause (*b*) of sub-section (*2*) of section 10, it is permissible for a councillor to have, without his being thereby disqualified for being a councillor.

Explanation.—The expression "municipal officer" includes the Transport Manager appointed under section 40 and any person appointed to act for the Transport Manager under section 41.

60. (*1*) Any municipal officer or servant occupying any premises provided by the Corporation for his residence— Occupation of, and liability to vacate, premises provided by Corporation for municipal officers and servants.

(*a*) shall occupy the same subject to such conditions and terms as may, generally or in special cases, be prescribed by the Corporation, and

(*b*) shall, notwithstanding anything contained in any law for the time being in force, vacate the same on his resignation, dismissal, removal or retirement from the service of the Corporation or whenever the Commissioner, with the approval of the Corporation, thinks it necessary and expedient to require him to do so.

(*2*) If any person who is bound or required under sub-section (*1*) to vacate any premises fails to do so, the Commissioner may order such person to vacate such premises and may take such measures as will prevent him from remaining on or again entering on the premises.

(*3*) With reference to a municipal officer or servant appointed under Chapter XX, the provisions of this section shall apply as if for the word "Commissioner" the words "Transport Manager" had been substituted.

CHAPTER V.

Essential Services.

61. (*1*) No member of an essential service shall,— Members of essential services not to resign, etc. without permission.

(*a*) without the written permission of the Commissioner or any officer authorised by him in this behalf, resign his office, withdraw or absent himself from the duties thereof without at least two months' notice given in writing to the Commissioner, except in the case of illness or accident disabling him for the discharge of his duties, or other reason accepted as sufficient by the Commissioner or such officer, or

(*b*) neglect or refuse to perform his duties or wilfully perform them in a manner which, in the opinion of the Commissioner or such officer, is inefficient.

(*2*) With reference to a member of an essential service who is appointed under Chapter XX, the provisions of this section shall apply as if for the word "Commissioner" the words "Transport Manager" had been substituted.

62. If the Provincial Government is of the opinion that the stoppage or the cessation of the performance of any of the essential services will be prejudicial to the safety or health or the maintenance of services essential to the life of the community in the City, it may, by notification in the *Official Gazette*, declare that an emergency exists in the City and that in consequence thereof no member of such of the essential services and for such period as Power of Provincial Government to declare emergency.

may be specified in the notification shall, notwithstanding any law for the time being in force or any agreement,—

(*a*) withdraw or absent himself from his duties except in the case of illness or accident disabling him from the discharge of his duties, or

(*b*) neglect or refuse to perform his duties or wilfully perform them in a manner which in the opinion of such officer as the Provincial Government may specify in this behalf is inefficient.

CHAPTER VI.

Duties and Powers of the Municipal Authorities and Officers.

Obligatory and Discretionary Duties of the Corporation.

Matters to be provided for by the Corporation.

63. It shall be incumbent on the Corporation to make reasonable and adequate provision, by any means or measures which it is lawfully competent to it to use or to take, for each of the following matters, namely—

(*1*) erection of substantial boundary marks of such description and in such positions as shall be approved by the Provincial Government defining the limits or any alteration in the limits of the City;

(*2*) the watering, scavenging and cleansing of all public streets and places in the City and the removal of all sweepings therefrom;

(*3*) the collection, removal, treatment and disposal of sewage, offensive matter and rubbish and, if so required by the Provincial Government, the preparation of compost manure from such sewage, offensive matter and rubbish;

(*4*) the construction, maintenance and cleansing of drains and drainage works, and of public latrines, water-closets, urinals and similar conveniences;

(*5*) the entertainment of a fire-brigade equipped with suitable appliances for the extinction of fires and the protection of life and property against fire;

(*6*) the construction or acquisition and maintenance of public hospitals and dispensaries including hospitals for the isolation and treatment of persons suffering or suspected to be infected with a contagious or infectious disease and carrying out other measures necessary for public medical relief;

(*7*) the lighting of public streets, municipal markets and public buildings vested in the Corporation;

(*8*) the maintenance of a municipal office and of all public monuments and open spaces and other property vesting in the Corporation;

(*9*) the naming or numbering of streets and of public places vesting in the Corporation and the numbering of premises;

(*10*) the regulation and abatement of offensive and dangerous trades or practices;

(*11*) the maintenance, change and regulation of places for the disposal of the dead and the provision of new places for the said purpose and disposing of unclaimed dead bodies;

(*12*) the construction or acquisition and maintenance of public markets and slaughter-houses and the regulation of all markets and slaughter-houses;

(*13*) the construction or acquisition and maintenance of cattle-pounds;

(*14*) public vaccination in accordance with the provisions of the Bombay District Vaccination Act, 1892; Bom. I of 1892.

(*15*) maintaining, aiding and suitably accommodating schools for primary education;

(*16*) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances;

(*17*) the registration of births and deaths;

(*18*) the construction, maintenance, alteration and improvement of public streets, bridges, sub-ways, culverts, cause-ways and the like;

(*19*) the removal of obstructions and projections in or upon streets, bridges and other public places;

(*20*) the management and maintenance of all municipal water works and the construction or acquisition of new works necessary for a sufficient supply of water for public and private purposes;

(*21*) preventing and checking the spread of dangerous diseases;

(*22*) the securing or removal of dangerous buildings and places;

(*23*) the construction and maintenance of residential quarters for the municipal conservancy staff;

(*24*) fulfilment of any obligation imposed by or under this Act or any other law for the time being in force;

(*25*) subject to adequate provision being made for the matters specified above, the provision of relief to destitute persons in the City in times of famine and scarcity and the establishment and maintenance of relief works in such times.

Corporation to provide for anti-rabic treatment.

64. The Corporation shall make payments at such rates and subject to such conditions as the Provincial Government from time to time by general or special order prescribes, for the maintenance and treatment in any institution which the Provincial Government declares by notification in the *Official Gazette* to be suitable for the purpose either within or without the City and for other necessary expenses of persons undergoing anti-rabic treatment as indigent persons according to the rules applicable to such institutions:

Provided that the Corporation shall not be liable under this section for the maintenance, treatment and other expenses of any person undergoing anti-rabic treatment as an indigent person in any such institution as aforesaid, unless such person immediately previous to his admission thereto has been resident in the City for at least one year and has proceeded to such institution from the City.

Corporation to provide for maintenance of lunatics and lepers.

65. (*1*) The Corporation shall make payments at such rates for each person as the Provincial Government from time to time by general or special order prescribes for the maintenance and treatment at any asylum, hospital or house, within or without the City, which the Provincial Government declares by notification in the *Official Gazette* to be suitable for the purpose of pauper lunatics, not being persons for whose confinement an order under Chapter XXXIV of the Code of Criminal Procedure, 1898, is in force and of lepers resident within, or under any enactment for the time being in force removed from, the City:

Provided that the Corporation shall not be liable under this section for the maintenance and treatment of any lunatic or leper in any such asylum, hospital or house as aforesaid, unless such lunatic or leper immediately previous to his admission thereto has been resident in the City for at least one year:

Provided further that the rates prescribed by the Provincial Government under this section shall not exceed half the total cost of maintenance and treatment incurred for each person on account of the lunatics for whose maintenance and treatment the Corporation shall be liable under this section:

IV of 1912.

Provided also that where an application is made to the Court under section 88 of the Indian Lunacy Act, 1912, no order for the payment of the cost of maintenance of the lunatic by the Corporation shall be made without

an opportunity being given to the Corporation to show that the lunatic is not pauper and has an estate applicable to his maintenance or that there is a person legally bound and having the means to maintain him.

(2) The Officer in charge of an asylum, hospital or house to which lunatics or lepers for whose maintenance and treatment the Corporation is liable under this section are admitted shall maintain a clear account of the cost of maintenance and treatment incurred on account of such persons detained in the asylum, hospital or house and shall furnish a copy thereof to the Corporation.

Matters which may be provided for by Corporation at its discretion.

66. The Corporation may, in its discretion, provide from time to time, either wholly or partly, for all or any of the following matters, namely :—

(1) the organisation, maintenance or management of institutions within or without the City for the care of persons who are infirm, sick or incurable, or for the care and training of blind, deaf, mute or otherwise disabled persons or of handicapped children;

(2) the organisation, maintenance or management of maternity and infant welfare homes or centres;

(3) the provision of milk to expectant or nursing mothers or infants or school children;

(4) the organisation, maintenance or management of chemical or bacteriological laboratories for the examination or analysis of water, food or drugs, for the detection of diseases or for researches connected with public health;

(5) swimming pools, public wash houses, bathing places and other institutions designed for the improvement of public health;

(6) dairies or farms within or without the City for the supply, distribution and processing of milk or milk products for the benefit of the residents of the City;

(7) the construction and maintenance in public streets or places of drinking fountains for human beings and water-troughs for animals;

(8) the planting and maintenance of trees on road sides and elsewhere;

(9) the provision of music for the people;

(10) the provision of public parks, gardens, play-grounds and recreation grounds;

(11) the holding of exhibitions, athletics or games;

(12) the regulation of lodging houses, camping grounds and rest houses in the City;

(13) the maintenance of an ambulance service;

(14) the construction, establishment and maintenance of theatres, rest-houses and other public buildings;

(15) the organization or maintenance, in times of scarcity, of shops or stalls for the sale of necessaries of life;

(16) the building or purchase and maintenance of dwellings for municipal officers and servants;

(17) the grant of loans for building purposes to municipal servants drawing a monthly salary of not more than four hundred rupees on such terms and subject to such conditions as may be prescribed by the Corporation;

(18) any other measures for the welfare of municipal servants or any class of them;

(19) the purchase of any undertaking for the supply of electric energy or gas or the starting or subsidising of any such undertaking which may be in the general interests of the public;

(*20*) the construction, purchase, organization, maintenance or management of light railways, tramways, trackless trams, or motor transport facilities for the conveyance of the public or goods within or without the City;

(*21*) the furtherance of educational objects other than those mentioned in clause (*15*) of section 63 and making grants to educational institutions within or without the City;

(*22*) the establishment and maintenance or the aiding of libraries, museums and art galleries, botanical or zoological collections and the purchase of construction of buildings therefor;

(*23*) the construction or maintenance of infirmaries or hospitals for animals;

(*24*) the destruction of birds or animals causing a nuisance, or of vermin, and the confinement or destruction of stray or ownerless dogs;

(*25*) contributions towards any public fund raised for the relief of human suffering within the City or for the public welfare;

(*26*) the preparation or presentation of addresses to persons of distinction;

(*27*) the registration of marriages;

(*28*) the granting of rewards for information which may tend to secure the correct registration of vital statistics;

(*29*) paying the salaries and allowances, rent and other charges incidental to the maintenance of the Court of any stipendiary magistrate or any portion of such charges;

(*30*) the acquisition and maintenance of grazing grounds and the establishment and maintenance of a breeding stud;

(*31*) establishing and maintaining a farm or factory for the disposal of sewage;

(*32*) supplying, constructing and maintaining, in accordance with the general system approved by the Corporation, receptacles, fittings, pipes and other appliances whatsoever on or for the use of premises for receiving and conducting the sewage thereof into drains under the control of the Corporation;

(*33*) granting rewards for information regarding the infringement of any provisions of this Act, or of the rules, by-laws, regulations or standing orders;

(*34*) laying out whether in areas previously built upon or not, new public streets and acquiring land for that purpose and land required for the construction of buildings or curtileges thereof to abut on such street or streets;

(*35*) the building or purchase and maintenance of suitable dwellings for the poor and working classes, or the grant of loans or other facilities to any person, society or institution interested in the provision of such dwellings;

(*36*) the provision of shelter to destitute or homeless persons and any form of poor relief;

(*37*) the building or purchase and maintenance of sanitary stables, or byres for horses, ponies or cattle used in hackney carriages or carts or for milch-kine;

(*38*) surveys of buildings or lands;

(*39*) measures to meet any calamity affecting the public in the City;

(*40*) making contributions to the funds of the Local Self-Government Institute, Bombay;

(*41*) with the previous sanction of the Provincial Government, the making of a contribution towards any public ceremony or entertainment in the City;

(*42*) any measure not hereinbefore specifically named, likely to promote public safety, health, convenience or instruction.

Respective functions of the several Municipal Authorities.

Function of the several municipal authorities.

67. (*1*) The respective functions of the several municipal authorities shall be such as are specifically prescribed by or under this Act.

(*2*) Except as otherwise expressly provided in this Act, the municipal government of the City vests in the Corporation.

(*3*) Subject, whenever it is in this Act expressly so directed, to the approval or sanction of the Corporation or the Standing Committee and subject also to all other restrictions, limitations and conditions imposed by this Act or by any other law for the time being in force, the entire executive power for the purpose of carrying out the provisions of this Act and of any other Act for the time being in force which imposes any duty or confers any power on the Corporation vests in the Commissioner, who shall also—

(*a*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act or by any other law for the time being in force;

(*b*) prescribe the duties of, and exercise supervision and control over, the acts and proceedings of all municipal officers and servants, other than the Municipal Secretary and the Municipal Chief Auditor and the municipal officers and servants immediately subordinate to them, and subject to the regulations, dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances;

(*c*) in any emergency take such immediate action for the service or safety of the public or the protection of the property of the Corporation as the emergency shall appear to him to justify or to require notwithstanding that such action cannot be taken under this Act without the sanction, approval or authority of some other municipal authority or of the Provincial Government:

Provided that the Commissioner shall report forthwith to the Standing Committee and to the Corporation the action he has taken and his reasons for taking the same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action which is not covered by a current budget grant under the provisions of this Act;

(*d*) perform the duties and exercise the powers imposed or conferred upon the Transport Manager by this Act in his absence or on failure by him to perform or exercise the same.

(*4*) Subject, whenever expressly so directed in this Act, to the approval of the Corporation or the Transport Committee and subject also to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of Chapter XX vests in the Transport Manager who shall also—

(*a*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act and perform such other duties in connection with the Transport Undertaking as may be required of him by the Transport Committee;

(*b*) prescribe the duties of, and exercise supervision and control over the acts and proceedings of, all municipal officers and servants appointed under Chapter XX and, subject to the regulations, dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances;

(*c*) in an emergency take such immediate action for the protection of human life or of the property of the Corporation or for the maintenance of the service provided to the public by the Transport Undertaking as the emergency

shall appear to him to justify or require, reporting forthwith to the Transport Committee, when he has done so, the action he has taken and his reason for taking the same and the amount of cost, if any, incurred, or likely to be incurred in consequence of such action, which is not covered by a budget-grant under the provisions of this Act.

Commissioner to exercise powers and perform duties of Corporation under other laws.

68. (*1*) Any powers, duties and functions conferred or imposed upon or vested in the Corporation by any other law for the time being in force shall, subject to the provisions of such law and to such restrictions, limitations and conditions as the Corporation may impose, be exercised, performed or discharged by the Commissioner.

(*2*) The Commissioner may with the approval of the Standing Committee by order in writing empower any municipal officer to exercise, perform or discharge any such power, duty or function under the control of the Commissioner and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe.

Municipal officers may be empowered to exercise certain of the powers, etc., of the Commissioner or the Transport Manager.

69. (*1*) Subject to the provisions of sub-sections (*2*) and (*3*), any of the powers, duties or functions conferred or imposed upon or vested in the Commissioner or the Transport Manager by or under any of the provisions of this Act may be exercised, performed or discharged, under the control of the Commissioner or the Transport Manager, as the case may be, and subject to his revision and to such conditions and limitations, if any, as may be prescribed by rules, or as he shall think fit to prescribe in a manner not inconsistent with the provisions of this Act or rules, by any municipal officer whom the Commissioner or the Transport Manager generally or specially empowers by order in writing in this behalf; and to the extent to which any municipal officer is so empowered the word "Commissioner" and the words "Transport Manager" occurring in any provision in this Act, shall be deemed to include such officer.

(*2*) The Commissioner shall not, except with the prior approval of the Standing Committee, make an order under sub-section (*1*) affecting his powers, duties or functions under any of the following sections, sub-sections and clauses, namely:—

10 (*1*) (*h*), 12 (*1*), 18 (*1*), 26 (*2*), 43 (*2*), 43 (*4*), 43 (*5*), 51 (*2*), 67 (*3*) (*b*), 67 (*3*) (*c*), 67 (*3*) (*d*), 71 (*2*), 73, 77, 78 (*1*), 85, 86, 87, 90, 92 (*2*), 94, 95, 121, 122, 125, 126, 130 (*1*) (*b*), 131 (*1*), 134, 137, 144, 152, 154, 160, 174, 176, 177, 188, 195, 196, 197, 201, 205, 207, 208, 209, 210, 212, 213, 214, 216, 220, 224, 232, 243, 268, 269, 270, 272 (*2*), 273, 274, 275 (*1*), 277, 278, 281, 298, 300, 301, 303, 304, 305, 310, 317, 319, 321, 322, 323, 324, 325, 328, 329, 330, 331, 332, 363, 364, 371 (*2*), 373, 386 (*2*), 439 (*3*), 439 (*4*), 441, 442, 445, 466, 481 except clause (*a*) of sub-section (*1*).

(*3*) The Transport Manager shall not, except with the prior approval of the Transport Committee, make an order under sub-section (*1*) affecting his powers, duties or functions under any of the following provisions, namely:—

43 (*5*), 67 (*4*) (*b*), 67 (*4*) (*c*), 71 (*2*), 73, 97, 344, 346, 348, 354, 355, 356, 358, 362, 481 except clause (*a*) of sub-section (*1*).

Corporation may call for extracts from proceedings, etc. from the Standing Committee, etc.

70. The Corporation may at any time call for any extract from any proceedings of any Committee or sub-committee constituted under this Act, and for any return, statement, account or report concerning or connected with any matter with which any such Committee or sub-committee is empowered by or under this Act to deal; and every such requisition shall be complied with by the Committee or sub-committee, as the case may be, without unreasonable delay.

Corporation may require Commissioner to produce documents and furnish returns, reports, etc.

71. (*1*) The Corporation may at any time require the Commissioner—

(*a*) to produce any record, correspondence, plan or other document which is in his possession or under his control as Commissioner, or which is recorded or filed in his office or in the office of any municipal officer or servant subordinate to him ;

(*b*) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act or the municipal government of the City ;

(*c*) to furnish a report by himself or to obtain from any officer subordinate to him and furnish, with his own remarks thereon, a report, upon any subject concerning or connected with the administration of this Act or the municipal government of the City.

(*2*) Except as is hereinafter provided, every such requisition shall be complied with by the Commissioner without unreasonable delay ; and it shall be incumbent on every municipal officer and servant to obey any order made by the Commissioner in pursuance of any such requisition :

Provided that if, on such requisition as aforesaid being made, the Commissioner shall declare that immediate compliance therewith would be prejudicial to the interests of the Corporation or of the public, it shall be lawful for him to defer such compliance until a time not later than the second ordinary meeting of the Corporation after he shall have declared as aforesaid.

(*3*) If at such meeting, or any meeting subsequent thereto, the Corporation shall repeat the requisition, and it shall then still appear to the Commissioner inexpedient to comply therewith, he shall make a declaration to that effect, whereon it shall be lawful for the Corporation to elect one councillor who with the Mayor and the Chairman of the Standing Committee or, if the Mayor is also Chairman of the Standing Committee, with the Mayor and one member of its own body elected by the Standing Committee shall form a committee who shall engage to keep secret, save as hereinafter provided, the existence and purport of such documents and matters as may be disclosed to them ; and to whom the Commissioner shall be bound to make known and to disclose all writings and matters within his knowledge, under his control, or available to him, and embraced within the requisition.

(*4*) The said committee having taken cognizance of the information, writings and matters so laid before them shall determine, by a majority in case of difference, whether or not the whole or any part, and which part, if any, of such matters ought to be disclosed to the Corporation or kept secret for a defined time. Such decision of the committee shall be conclusive and shall be reported to the Corporation at the next ordinary meeting thereof, where also the Commissioner shall be bound to produce documents and to make any report or statement requisite to give effect to the decision of the committee when called on to do so by the Corporation.

(*5*) In their application to matters relating to the Transport Undertaking the provisions of sub-sections (*1*) to (*4*) shall have effect as if for the word "Commissioner" the words "Transport Manager" and for the words "Standing Committee" the words "Transport Committee" had been substituted.

Exercise of powers to be subject to sanction by Corporation of the necessary expenditure.

72. The exercise by any municipal authority of any power conferred or the performance of any duty imposed by or under this Act which will involve expenditure shall, except in any case specified in sub-section (*2*) of section 86 or in sub-section (*2*) of section 355, be subject to the conditions that—

(*a*) such expenditure, so far as it is to be incurred in the official year in which such power is exercised or duty performed, is provided for under a current budget grant ; and

(*b*) if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said official year, the sanction of the Corporation is taken before liability for such expenditure is incurred.

CHAPTER VII.

CONTRACTS.

73. With respect to the making of contracts under or for any purpose of this Act, including contracts relating to the acquisition and disposal of immovable property or any interest therein, the following provisions shall have effect, namely :— Power to Commissioner to execute contracts on behalf of Corporation.

(*a*) every such contract shall be made on behalf of the Corporation by the Commissioner ;

(*b*) no such contract for any purpose which, in accordance with any provision of this Act, the Commissioner may not carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first been duly given ;

(*c*) no contract which will involve an expenditure exceeding five thousand rupees or such higher amount as the Corporation may, with the approval of the Provincial Government, from time to time prescribe, shall be made by the Commissioner unless the same is previously approved by the Standing Committee ;

(*d*) every contract made by the Commissioner involving an expenditure exceeding one thousand rupees and not exceeding five thousand rupees or such higher amount as may for the time being be prescribed under clause (*c*) shall be reported by him, within fifteen days after the same has been made, to the Standing Committee ;

(*e*) the foregoing provisions of this section shall, as far as may be, apply to every contract which the Commissioner shall have occasion to make in the execution of this Act ; and the same provisions of this section which apply to an original contract shall be deemed to apply also to any variation or discharge of such contract.

74. (*1*) The mode of executing contracts under this Act shall be as prescribed by rules. Mode of executing contracts.

(*2*) No contract which is not made in accordance with the provisions of this Act and the rules shall be binding on the Corporation.

75. For the purpose of contracts relating exclusively to the Transport Undertaking the provisions of section 73 and those of Chapter V of the Schedule shall apply as if for the word "Commissioner" wherever it occurs the words "Transport Manager" and for the words "Standing Committee" wherever they occur the words "Transport Committee" had been substituted. Contracts relating to Transport Undertaking.

CHAPTER VIII.

MUNICIPAL PROPERTY.

Acquisition of Property.

76. (*1*) The Corporation shall, for the purposes of this Act, have power to acquire and hold moveable and immovable property or any interest therein whether within or without the limits of the City. Powers of Corporation as to acquisition of property.

(*2*) All immovable and other property, wherever situate, which on the date immediately preceding the appointed day vested—

(*a*) in any municipality or local authority which has been superseded by or under this Act in consequence of the inclusion in the City of the area for which it was constituted, or

(*b*) in His Majesty by reason of the supersession or dissolution of such municipality or local authority under any law relating to such municipality or local authority,

shall upon and after the said day vest in and be held by the Corporation having jurisdiction in such City as trustees for the purposes of this Act but subject to all trusts, charges and liabilities affecting the same.

(*3*) All primary schools, with their lands, buildings, records and equipment, and all other properties, moveable or immovable, which on the date immediately preceding the appointed day vested, under the provisions of section 12 of the Bombay Primary Education Act, 1947, in the District School Board of the district in which such City is situate in respect of any area which is included in such City shall, upon and after the said day, vest in, and be held by, the Corporation as trustees for the purposes of this Act, but subject to all trusts, charges and liabilities affecting the same : Bom. LXI of 1947.

Provided that in the event of any question, dispute or doubt arising as to whether any particular property shall so vest in and be held by the Corporation, the matter shall be referred to the Provincial Government whose decision thereon shall be final.

(*4*) The Provincial Government may, by order in writing, direct that any immovable or other property situate in, or pertaining to, an area included within the limits of any City which, on the appointed day, was vested in a local authority whose jurisdiction extended beyond such area shall vest in and be held by the Corporation as trustees for the purposes of this Act, but subject to all trusts, charges and liabilities affecting the same.

(*5*) Any immovable property which may be transferred to the Corporation by the Government shall be held by it subject to such conditions, including resumption by the Government on the occurrence of a specified contingency, and shall be applied to such purposes as the Government may impose or specify when the transfer is made.

Acquisition of immovable property.

77. (*1*) Whenever it is provided by this Act that the Commissioner may acquire, or whenever it is necessary or expedient for any purpose of this Act that the Commissioner shall acquire, any immovable property, such property may be acquired by the Commissioner on behalf of the Corporation by agreement on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the Standing Committee either generally for any class of cases or specially in any particular case.

(*2*) Whenever, under any provision of this Act, the Commissioner is authorised to agree to pay the whole or any portion of the expenses of acquiring any immovable property, he shall do so on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the Standing Committee as aforesaid.

(*3*) The Commissioner may on behalf of the Corporation acquire by agreement any easement affecting any immovable property vested in the Corporation, and the provisions of sub-sections (*1*) and (*2*) shall apply to such acquisition.

Procedure when immovable property cannot be acquired by agreement.

78. (*1*) Whenever the Commissioner is unable under section 77 to acquire by agreement any immovable property or any easement affecting any immovable property vested in the Corporation or whenever any immovable property or any easement affecting any immovable property vested in the Corporation is required for the purposes of this Act, the Provincial Government may, in its discretion, upon

the application of the Commissioner, made with the approval of the Standing Committee and subject to the other provisions of this Act, order proceedings to be taken for acquiring the same on behalf of the Corporation, as if such property or easement were land needed for a public purpose within the meaning of the Land Acquisition Act, 1894.

I of 1894.

(2) Whenever an application is made under sub-section (1) for the acquisition of land for the purpose of providing a new street or for widening or improving an existing street it shall be lawful for the Commissioner to apply for the acquisition of such additional land immediately adjoining the land to be occupied by such new street or existing street as is required for the sites of buildings to be erected on either side of the street, and such additional land shall be deemed to be required for the purposes of this Act.

(3) The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall, subject to all other provisions of this Act, be forthwith paid by the Commissioner and thereupon the said property shall vest in the Corporation.

Disposal of Property.

Provisions governing the disposal of municipal property.

79. With respect to the disposal of property belonging to the Corporation other than property vesting in the Corporation exclusively for the purposes of the Transport Undertaking the following provisions shall have effect, namely :—

(a) the Commissioner may, in his discretion, dispose of by sale, letting out on hire or otherwise, any moveable property belonging to the Corporation not exceeding in value in each instance five hundred rupees or such higher amount as the Corporation may, with the approval of the Provincial Government, from time to time determine, or grant a lease of any immovable property belonging to the Corporation including any right of fishing or of gathering and taking fruit, and the like, for any period not exceeding twelve months at a time :

Provided that the Commissioner shall report to the Standing Committee every lease of immovable property within fifteen days of the grant thereof unless it is a contract for a monthly tenancy or the annual rent thereof at a rack rent does not exceed three thousand rupees ;

(b) with the sanction of the Standing Committee the Commissioner may dispose of by sale, letting out on hire or otherwise any moveable property belonging to the Corporation, of which the value does not exceed five thousand rupees ; and may with the like sanction grant a lease of any immovable property belonging to the Corporation, including any such right as aforesaid, for any period exceeding one year or sell or grant a lease in perpetuity of any immovable property belonging to the Corporation the value or premium whereof does not exceed fifty thousand rupees or the annual rental whereof does not exceed three thousand rupees ;

(c) with the sanction of the Corporation the Commissioner may lease, sell, let out on hire or otherwise convey any property, moveable or immovable, belonging to the Corporation ;

(d) the consideration for which any immovable property or any right belonging to the Corporation may be sold, leased or otherwise transferred shall not be less than the current market value of such premium, rent or other consideration ;

(e) the sanction of the Standing Committee or of the Corporation under clause (b) or clause (c) may be given either generally for any class of cases or specially in any particular case ;

(*f*) the aforesaid provisions of this section and the provisions of the rules shall apply, respectively, to every disposal of property belonging to the Corporation made under or for any purposes of this Act :

Provided that.

(*a*) no property vesting in the Corporation for the purpose of any specific trust shall be leased, sold or otherwise conveyed in such a manner that the purpose for which it is held will be prejudicially affected ;

(*b*) no property transferred to the Corporation by the Government shall be leased, sold or otherwise conveyed in any manner contrary to the terms of the transfer except with the prior sanction of the appropriate Government.

Decision of claims to property by or against the Corporation.

80. (*1*) Where any immovable property or any right in or over any such property is claimed by or on behalf of the Corporation, or by any person as against the Corporation, it shall be lawful for the Collector after formal inquiry, of which due notice has been given, to pass an order deciding the claim.

(*2*) The Corporation or any person aggrieved by an order passed by the Collector under sub-section (*1*) may, notwithstanding anything contained in any law for the time being in force, within one year from the date on which the Corporation or such person had due notice of such order, institute a suit in any competent civil court to set aside such order or to claim a relief inconsistent therewith.

If any such suit is instituted after the expiration of one year from the date on which the notice of such order has been given, such suit shall be dismissed although limitation has not been set up as a defence.

(*3*) The Collector may, by general or special order, delegate the powers conferred on him under this section to an Assistant or Deputy Collector or a survey officer as defined in the Bombay Land Revenue Code, 1879. Bom. of 79.

(*4*) The formal inquiry referred to in this section shall be conducted in accordance with the provisions of the aforesaid Code.

(*5*) A person shall be deemed to have had due notice of an inquiry or order under this section if notice thereof has been given in accordance with rules made in this behalf by the Provincial Government.

Power of Corporation to enforce covenants against owner for the time being of land.

81. A covenant concerning any immovable property for the purposes of this Act entered into with the Corporation by the owner of such property or by any person to whom such property of the Corporation has been transferred by sale or exchange shall be enforceable by the Corporation against any person deriving title under the covenantor notwithstanding that the Corporation is not in possession of, or interested in, any immovable property for the benefit of which the covenant was entered into, in like manner and to the like extent as if it had been possessed of or interested in such property.

CHAPTER IX.

THE MUNICIPAL FUND AND OTHER FUNDS.

The Municipal Fund.

Constitution of Municipal Fund.

82. Subject to the provisions of this Act and the rules and subject to the provisions of section 44 of the Bombay Primary Education Act, 1947,— Bom. LXI of 1947.

(*a*) all moneys received by or on behalf of the Corporation under the provisions of this Act or of any other law for the time being in force, or under any contract,

(*b*) all proceeds of the disposal of property by or on behalf of the Corporation,

(*c*) all rents accruing from any property of the Corporation,

(*d*) all moneys raised by any tax levied for the purposes of this Act,

(*e*) all fees and fines payable and levied under this Act or under any rule, by-law, regulation or standing order other than fines imposed by a Court,

(*f*) all moneys received by way of compensation or for compounding offences under the provisions of this Act,

(*g*) all moneys received by or on behalf of the Corporation from the Government or public bodies, private bodies or private individuals by way of grant or gift or deposit, subject, however, to the conditions, if any, attached to such grant, gift or deposit, and

(*h*) all interest and profits arising from any investment of, or from any transaction in connection with, any money belonging to the Corporation,

hall be credited to a fund which shall be called " the Municipal Fund " and which hall be held by the Corporation in trust for the purposes of this Act, subject to he provisions herein contained.

Commissioner to receive payments on account of Municipal Fund and to lodge them in a bank.

83. All moneys payable to the credit of the Municipal Fund shall be received ıy the Commissioner and shall be forthwith paid into the Imperial Bank of India r such other bank or banks as the Corporation, with the previous sanction of the 'rovincial Government, may select, to the credit of an account which shall be styled ' the account of the Municipal Fund of..... ":

Provided that the Commissioner may, subject to any general or special directions ssued by the Standing Committee, retain such balances in cash as may be necessary ɔr current payments.

How the Fund shall be drawn against.

84. (*1*) Subject to the provisions of section 449 no payment shall be made by ny bank aforesaid out of the Municipal Fund except on a cheque signed by the hief Accountant or the Deputy Accountant or, if there be no post of Deputy .ccountant, by the officer immediately subordinate to the Chief Accountant and by ıe Commissioner or the Deputy Commissioner or the Assistant Commissioner.

(*2*) Payment of any sum due by the Corporation in excess of one hundred rupees r such higher amount as the Standing Committee from time to time fixes generally r for any specified class of payments shall be made by means of a cheque signed ɜ aforesaid and not in any other way.

(*3*) Payments not covered by sub-section (*2*) may be made by the Commissioner ı cash and cheques for sums not in excess of two thousand rupees each, signed as 'oresaid, may be drawn from time to time to cover such payments if the amount ' cash in hand is insufficient for the purpose.

Deposit of portion of Municipal Fund may be made with bank or agency out of City when convenient.

85. Notwithstanding anything contained in sections 83 and 84 the Commissioner ay, with the previous approval of the Standing Committee, from time to time, mit to and deposit with a bank or other agency at any place beyond the City any ɔrtion of the Municipal Fund, and any moneys payable to the credit of the Munici- ıl Fund or chargeable there-against which can, in the opinion of the Commissioner, ɜ most conveniently paid into or out of the account of the Corporation at any such ınk or agency, may be so paid.

Restrictions on expenditure from Municipal Fund.

86. (*1*) Except as hereinafter provided, no payment of any sum shall be made by the Commissioner out of the Municipal Fund, unless the expenditure of the same is covered by a current budget-grant, and sufficient balance of such budget-grant is still available, notwithstanding any reduction or transfer thereof which may have been made under the rules.

(*2*) The following items shall be excepted from the prohibition in sub-section (*1*), namely :—

(*a*) sums of which the expenditure has been sanctioned by the Standing Committee under section 102 ;

(*b*) temporary payments under section 90 for works urgently required in the public service ;

(*c*) refunds of taxes and other moneys which the Commissioner is by or under this Act authorised to make ;

(*d*) repayments of moneys belonging to contractors or other persons held in deposit and of moneys collected or credited to the Municipal Fund by mistake ;

(*e*) sums which under any provision of this Act or any other enactment are payable by way of compensation ;

(*f*) sums payable in any of the circumstances mentioned in clause (*h*) of section 88 ;

(*g*) expenses incurred by the Commissioner in the exercise of the powers conferred upon him by section 319 ;

(*h*) costs incurred by the Commissioner under clause (*c*) of sub-section (*3*) of section 67.

Procedure when money not covered by budget-grant is expended under clause (*e*), (*f*), (*g*) or (*h*) of sub-section (*2*) of section 86.

87. Whenever any sum is expended by the Commissioner under clause (*e*), (*f*), (*g*) or (*h*) of sub-section (*2*) of section 86 he shall forthwith communicate the circumstances to the Standing Committee, who shall take such action under the rules or recommend the Corporation to take, under section 101 or under the rules, such action as shall, in the circumstances, appear possible and expedient for covering the amount of the additional expenditure.

Purpose for which Municipal Fund is to be applied.

88. The moneys from time to time credited to the Municipal Fund shall be applied in payment of all sums, charges and costs necessary for carrying this Act into effect, or of which the payment shall be duly directed or sanctioned under any of the provisions of this Act or of any other law for the time being in force inclusive of—

(*a*) the expenses of every ward election ;

(*b*) the salary, joining time allowances and other allowances of the Commissioner and of leave and pension contribution, if any, payable on his account to the Provincial Government ;

(*c*) the salaries and other allowances of all municipal officers and servants and all contributions to provident funds, pensions, gratuities and compassionate allowances payable under the provisions of this Act or the regulations or of the statement framed under this Act for the time being in force ;

(*d*) all expenses and costs incurred by the Commissioner in the exercise of any power or the discharge of any duty conferred or imposed upon him by this Act, including moneys which he is required or empowered to pay by way of compensation ;

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(*e*) the grant payable under section 44 of the Bombay Primary Education Act, 1947, to the Primary Education Fund maintained thereunder for the City ;

(*f*) the loans advanced under the rules for building purposes ;

(*g*) any sum chargeable under section 108 ;

(*h*) every sum payable—

(i) under section 422 or sub-section (*1*) of section 449 to the Provincial Government ;

(ii) under a decree or order of a civil or criminal court passed against the Corporation or against the Commissioner, Deputy Commissioner or Assistant Commissioner *ex-officio ;*

(iii) under a compromise of any suit or other legal proceeding or claim effected under section 481 ;

(*i*) contributions to public institutions ;

(*j*) expenses incurred on the provision of traffic signs.

Municipal Fund where to be expended.

89. Expenditure by the Corporation out of the Municipal Fund shall, save as otherwise provided by this Act, be made within the City only, but may, by a resolution of the Corporation supported by not less than half the total number of councillors, be made outside the City for any of the purposes of this Act.

Temporary payments from Municipal Fund for works urgently required for public service.

90. (*1*) On the written requisition of such officer as the Provincial Government may specially authorise in this behalf the Commissioner may at any time undertake the execution of any work certified by such officer to be urgently required in the public service, and for this purpose may temporarily make payments from the Municipal Fund, so far as the same can be made without unduly interfering with the regular working of the municipal administration.

(*2*) The cost of all work executed under sub-section (*1*) and of the establishment engaged in executing the same shall be paid by the Provincial Government and credited to the Municipal Fund.

(*3*) On receipt of a requisition under sub-section (*1*) the Commissioner shall forthwith forward a copy thereof to the Corporation, together with a report of the action taken by him thereon.

Special Funds.

Constitution of Special Funds.

91. The Corporation may constitute such special funds as are prescribed by rules and such other funds as may be necessary for the purposes of this Act. The constitution and disposal of such funds shall be effected in the manner prescribed by rules.

Disposal of Balances.

Investment of surplus moneys.

92. (*1*) Surplus moneys at the credit of the Municipal Fund which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised thereunder may be, from time to time, deposited at interest in the Imperial Bank of India or in any other bank selected by the Corporation with the sanction of the Provincial Government for the purposes of section 83 or be invested in public securities.

(*2*) All such deposits and investments shall be made by the Commissioner on behalf of the Corporation with the sanction of the Standing Committee and, with the like sanction, the Commissioner may at any time withdraw any deposit so made

or dispose of any securities and redeposit or reinvest the money so withdrawn, or the proceeds of the disposal of such securities.

(*3*) The loss, if any, arising from any such deposit or investment shall be debited to the Municipal Fund.

Accounts.

Accounts to be kept in forms prescribed by Standing Committee.

93. Subject to the provisions of section 361 and of the Bombay Primary Education Act, 1947, and the rules made thereunder, accounts of the receipts and expenditure of the Corporation shall be kept in such manner and in such forms as the Standing Committee shall from time to time direct. Bom. LXI of 1947.

Preparation of annual administration report and statement of accounts.

94. (*1*) The Commissioner shall, as soon as may be after each first day of April, have prepared a detailed report of the municipal administration of the City, other than the administration of the Transport Undertaking, during the previous official year, together with a statement showing the amounts of the receipts and disbursements credited and debited to the Municipal Fund during the said year and the balance at the credit of the Fund at the close of the said year and shall submit the same to the Standing Committee.

(*2*) The report shall be in such form and shall contain such information as the Standing Committee may from time to time direct.

(*3*) After examination and review of the report and statement by the Standing Committee a printed copy of such report and statement together with a copy of the Committee's review shall be forwarded to the usual or last known local place of abode of each councillor by such date as the Standing Committee may from time to time prescribe and copies thereof shall be placed on sale at the municipal office at such price as the Commissioner may fix.

Annual Budget Estimate.

Estimates of income and expenditure to be prepared annually by Commissioner.

95. The Commissioner shall each year on or before such date as the Corporation may from time to time prescribe have prepared and lay before the Standing Committee, in such form as the Committee shall from time to time approve,—

(*a*) an estimate, classified in accordance with the rules, of the expenditure which must or should, in his opinion, be incurred by the Corporation in the next official year from the Municipal Fund including the amount of grant payable by the Corporation to the Primary Education Fund, and of the amounts, if any, which should, in his opinion be credited to, or expended from, a special fund ;

(*b*) an estimate of all balances, if any, which will be available for reappropriation or expenditure at the commencement of the next official year ;

(*c*) an estimate of the Corporation's receipts and income for the next official year other than from taxation and from the Transport Undertaking ;

(*d*) a statement of proposals as to the taxation which it will, in his opinion, be necessary or expedient to impose under the provisions of this Act in the next official year and an estimate of the receipts from taxation ;

(*e*) an estimate of the amounts due to be transferred during the next official year from the Transport Fund.

Explanation.—The balance, if any, available in any special fund shall not be deemed to be available for reappropriation or expenditure at the commencement of the next official year under clause (*b*) except in relation to expenditure which may

be met from such fund under the rules, and the Commissioner shall determine whether the whole or any part of such balance shall be taken into account as available for such expenditure at the commencement of the next official year.

Budget estimates to be prepared by Standing Committee.

96. (*1*) The Standing Committee shall consider the estimates and proposals of the Commissioner and after having obtained from the Commissioner such further detailed information, if any, as it shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom subject to such modifications and additions therein or thereto as it thinks fit a Budget Estimate to be called "budget estimate 'A'" of the income and expenditure of the Corporation other than the income and expenditure in respect of the Transport Undertaking for the next official year.

(*2*) In budget estimate "A" the Standing Committee shall—

(*a*) propose with reference to the provisions of Chapter XI such rates and extent of municipal taxes as it thinks fit;

(*b*) allow for the appropriation to any special fund of the sum estimated by the Commissioner, revised as it thinks proper;

(*c*) provide for payment, as they fall due, of all sums and of all instalments of principal and interest for which the Corporation may be liable under this Act other than sums and instalments of principal and interest for which the Corporation may be liable by reason of the acquisition, extension, administration, operation and maintenance of the Transport Undertaking;

(*d*) provide for such expenditure, if any, as it considers necessary to defray from the balance in any special fund;

(*e*) allow for a cash balance at the end of the said year exclusive of the balance, if any, of any special fund of not less than one lakh of rupees or such smaller amount as the Provincial Government may from time to time approve.

(*3*) The Commissioner shall cause the budget estimate framed by the Standing Committee to be printed and shall, by such date as the Corporation may from time to time prescribe, forward a printed copy thereof to the usual or last known local place of abode of each councillor.

(*4*) The budget estimate framed by the Standing Committee shall be laid before the Corporation and it shall proceed to consider the same within fifteen days of the date referred to in sub-section (*3*).

Estimates of expenditure and income of the Transport Undertaking to be prepared annually by Transport Manager.

97. The Transport Manager shall each year, on or before such date as the Corporation may from time to time fix, have prepared and lay before the Transport Committee, in such form as the Committee shall from time to time approve,—

(*a*) an estimate, classified in accordance with the rules, of the expenditure which must or should, in his opinion, be incurred by the Corporation in the next ensuing official year on account of the Transport Undertaking and of the amounts, if any, which should in his opinion be credited to, or expended from, a special fund;

(*b*) an estimate of all balances, if any, which will be available for reappropriation or expenditure at the commencement of the next ensuing official year, and an estimate of the amounts to be transferred to the Municipal Fund during the next ensuing financial year under sections 359 and 360;

(*c*) an estimate of the Corporation's receipts and income from the Transport Undertaking in the next ensuing official year.

Explanation.—The balance, if any, available in any special fund shall not be deemed to be available for reappropriation or expenditure at the commencement of the next official year under clause (*b*) except in relation to expenditure which may be met from such fund under the rules, and the Transport Manager shall determine whether the whole or any part of such balance shall be taken into account as available for expenditure at the commencement of the next official year.

Budget Estimate 'B' to be prepared by Transport Committee.

98. (*1*) The Transport Committee shall consider the estimates of the Transport Manager and, after having obtained from the Transport Manager such further detailed information, if any, as it shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom, subject to such modifications and additions therein or thereto as it shall think fit, a budget estimate, to be called "budget estimate 'B'" of the income and expenditure for the next official year to be received and incurred in respect of the Transport Undertaking.

(*2*) In budget estimate 'B' the said Committee shall—

(*a*) provide for the payment, as they fall due, of all sums and of all instalments of principal and interest for which the Corporation may be liable under this Act by reason of the acquisition, extension, administration, operation and maintenance of the Transport Undertaking;

(*b*) allow for the appropriation to any special fund of the sum estimated by the Transport Manager, revised as it thinks proper;

(*c*) allow for the amounts to be transferred during the next ensuing official year to the Municipal Fund as provided in sections 359 and 360;

(*d*) provide for such expenditure, if any, as it considers necessary to defray from the balance in any special fund;

(*e*) allow for a cash balance at the end of the said year exclusive of the balance, if any, of any special fund of not less than one lakh of rupees or such smaller amount as the Corporation may from time to time fix.

(*3*) The Transport Manager shall lay budget estimate 'B' as framed by the Transport Committee before the Standing Committee on or before such date as the Corporation may from time to time fix in this behalf and the Standing Committee shall prepare a report to the Corporation thereon, incorporating the remarks and recommendations, if any, of the Standing Committee.

(*4*) The Municipal Secretary shall cause budget estimate 'B' and the report of the Standing Committee thereon to be printed and shall, not later than such date as the Corporation may from time to time fix in this behalf, forward a printed copy thereof to the usual or last known local place of abode of each councillor.

Fixing of rates of taxes.

99. The Corporation shall, on or before the twentieth day of February, after considering the Standing Committee's proposals in this behalf, determine, subject to the limitations and conditions prescribed in Chapter XI, the rates at which municipal taxes referred to in sub-section (*1*) of section 127 shall be levied in the next ensuing official year and the rates at and the extent to which any of the taxes referred to in sub-section (*2*) of the said section which the Corporation decides to impose shall be levied in the next ensuing official year.

Final adoption of budget estimates.

100. Subject to the requirements of section 99, the Corporation may refer budget estimate 'A' back to the Standing Committee and budget estimate 'B' back to the Transport Committee for further consideration, or adopt the budget estimates or any revised budget estimates submitted to it, either as they stand or subject to such alterations as it deems expedient:

Provided that the budget estimates finally adopted by the Corporation shall fully provide for each of the matters specified in clauses (*c*) and (*e*) of sub-section (*2*) of

section 96 and for each of the matters specified in clauses (*a*), (*c*) and (*e*) of sub-section (*2*) of section 98, as the case may be :

Provided further that if the budget estimates are not finally adopted by the Corporation on or before the thirty-first day of March the estimates as recommended by the Standing Committee or the Transport Committee, as the case may be, shall be deemed to be budget estimates finally adopted by the Corporation until the estimates are so adopted.

Corporation may increase amount of budget grants and make additional grants.

101. (*1*) On the recommendation of the Standing Committee in the case of expenditure from the Municipal Fund and the Transport Committee in the case of expenditure from the Transport Fund, the Corporation may from time to time during an official year increase the amount of any budget grant, or make an additional budget grant for the purpose of meeting any special or unforeseen requirement arising during the said year, but not so that the estimated cash balance at the close of the year exclusive of the balance, if any, of any special fund shall be reduced below one lakh of rupees or such other amount as may have been fixed for the time being by the Corporation in the case of either the Municipal Fund or the Transport Fund.

(*2*) Such increased or additional budget grants shall be deemed to be included in the budget estimates adopted by the Corporation for the year in which they are made.

Provision as to unexpended budget grants.

102. If the whole budget grant or any portion thereof remains unexpended at the close of the year in the budget estimates for which such grant was included, and if the amount thereof has not been taken into account in the opening balance of the Municipal Fund or the Transport Fund, as the case may be, entered in the budget estimates of any of the two following years, the Standing Committee or the Transport Committee, as the case may be, may sanction the expenditure of such budget grant or such unexpended portion thereof, as the case may be, during the next two following years for the completion, according to the original intention or sanction, of the purpose or object for which the budget grant was made, but not upon any other purpose or object.

Reductions or transfers.

103. Reductions in and transfers from one budget head to another or within a budget head shall be made in accordance with the rules.

Readjustment of income and expenditure to be made by the Corporation during course of official year whenever necessary.

104. (*1*) If it shall at any time during any official year appear to the Corporation upon the representation of the Standing Committee or the Transport Committee that, notwithstanding any reduction of budget grants that may have been made by the appropriate Committee under the rules, the income of the Municipal Fund or the Transport Fund, as the case may be, during the said year will not suffice to meet the expenditure sanctioned in the budget estimates of the said year as so reduced and to leave at the close of the year a cash balance exclusive of the balance, if any, of any special fund of not less than one lakh of rupees or such other amount as may have been fixed for the time being by the Corporation in the case of either the Municipal Fund or the Transport Fund, it shall be incumbent on the Corporation to sanction forthwith any measure which shall be necessary for proportioning the year's income to the expenditure.

(*2*) For this purpose the Corporation may diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to the provisions of this Act or to the obligations pertaining to the Transport Undertaking, or have recourse to supplementary taxation or a revision of fares and charges levied in respect of the Transport Undertaking, as the case may be.

Scrutiny and Audit of Accounts.

Weekly scrutiny of accounts by Municipal Chief Auditor and scrutiny of accounts by the Standing Committee.

105. (*1*) The Municipal Chief Auditor shall conduct a weekly examination and audit of the municipal accounts and shall report thereon to the Standing Committee who may also from time to time and for such period as it thinks fit conduct independently an examination and audit of the municipal accounts.

(*2*) For these purposes the Standing Committee and the Municipal Chief Auditor shall have access to all the municipal accounts and to all records and correspondence relating thereto, and the Commissioner shall forthwith furnish to the Standing Committee or the Municipal Chief Auditor any explanation concerning receipts and disbursements which they may call for.

Report by the Chief Auditor.

106. (*1*) The Municipal Chief Auditor shall—

(*a*) report to the Standing Committee any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of money due to the Corporation or in the municipal accounts;

(*b*) furnish to the Standing Committee such information as the said Committee shall from time to time require concerning the progress of the audit.

(*2*) The Standing Committee shall cause to be laid before the Corporation every report made by the Municipal Chief Auditor to the Standing Committee and every statement of the views of the Municipal Chief Auditor on any matter affecting the pursuance and exercise of the duties and powers assigned to him under this Act which the Municipal Chief Auditor may require the Standing Committee to place before the Corporation, together with a report stating what orders have been passed by the Standing Committee upon such report or statement, and the Corporation may take such action in regard to the matters aforesaid as the Corporation may deem necessary.

(*3*) As soon as may be after the commencement of each official year the Municipal Chief Auditor shall deliver to the Standing Committee a report upon the whole of the municipal accounts for the previous official year.

(*4*) The Commissioner shall cause the said report to be printed and forward a copy thereof to each councillor along with the printed copy of the Administration Report and Statement of Accounts referred to in section 94.

Application of sections 105 and 106 to accounts of Transport Fund.

107. Sections 105 and 106 shall apply to the accounts of the Transport Fund as if—

(*i*) for the words "Standing Committee" wherever they occur the words "Transport Committee" and for the word "Commissioner" wherever it occurs the words "Transport Manager" had been substituted; and

(*ii*) for the figures "94" in sub-section (*4*) of section 106 the figures "362" had been substituted.

A special audit may be directed by Provincial Government.

108. (*1*) The Provincial Government may at any time appoint an auditor for the purpose of making a special audit of the municipal accounts including the accounts of the Transport Undertaking and of reporting thereon to the Provincial Government and the costs of any such audit as determined by the Provincial Government shall be chargeable to the Municipal Fund or the Transport Fund, as the case may be.

(*2*) An auditor so appointed may exercise any power which the Municipal Chief Auditor may exercise.

CHAPTER X.

BORROWING POWERS.

109. (*1*) The Corporation may, with the previous sanction of the Provincial Government, from time to time, borrow or re-borrow and take up at interest by the issue of debentures or otherwise on the security of any immovable property vested in the Corporation or proposed to be acquired by it under this Act or of all the taxes or of any tax which it is authorised to levy for the purposes of this Act or the Transport Undertaking, or of all or any of those securities any sum necessary for the purpose of— Powers of Corporation to borrow money.

(*a*) defraying any costs, charges or expenses, incurred or to be incurred by it in the execution of this Act;

(*b*) for discharging any loan contracted under this Act or any other loan or debt for the repayment of which the Corporation is liable;

(*c*) generally for carrying out the purposes of this Act, including the advance of loans authorised thereunder:

Provided that—

(*i*) no loan shall be raised for the execution of any work other than a permanent work, which expression shall include any work of which the cost should, in the opinion of the Provincial Government, be spread over a term of years;

(*ii*) no loan shall be raised unless the Provincial Government has approved the terms on and the method by which the loan is to be raised and repaid;

(*iii*) the period within which the loan is to be repaid shall in no case exceed sixty years, and, where a loan is raised for the repayment of a previous loan, the period within which the subsequent loan is to be repaid shall not extend beyond the unexpired portion of the period fixed for the repayment of the original loan, unless the Provincial Government so directs, and shall in no case extend beyond the period of sixty years from the date on which the original loan was raised.

(*2*) When any sum of money has been borrowed or re-borrowed under sub-section (*1*)—

(*a*) no portion thereof shall, without the previous sanction of the Provincial Government, be applied to any purpose other than that for which it was borrowed; and

(*b*) no portion of any sum of money borrowed or re-borrowed for the execution of any work shall be applied to the payment of salaries or allowances of any municipal officers or servants other than those who are exclusively employed upon the work for the construction of which the money was borrowed:

Provided that such share of the cost on account of the salaries and allowances of municipal officers or servants employed in part upon the preparation of plans and estimates or the construction or supervision of or upon the maintenance of the accounts of such work as the Standing Committee may fix may be paid out of the sum so borrowed or re-borrowed.

110. Notwithstanding anything contained in section 109 the Corporation may borrow for the purposes of this Act from any bank or banks in which the surplus moneys at the credit of the Municipal Fund or the Transport Fund may be deposited, against any public securities in which for the time being the cash balances of the Corporation may be invested. Power of Corporation to borrow from banks against public securities.

When and how loan shall be repaid.

111. Every loan raised by the Corporation under section 109 shall be repaid within the time approved under proviso (*ii*) to sub-section (*1*) of the said section and by such of the following methods as may be approved under the said proviso, namely—

(*a*) by payment from a sinking fund established under section 112 in respect of the loan ;

(*b*) by equal payments of principal and interest;

(*c*) by equal payments of principal;

(*d*) in the case of a loan borrowed before the appointed day by annual drawings if such method was in operation for the repayment of such loan immediately before such day ;

(*e*) from any sum borrowed for the purpose under section 109 (*1*) (*b*); or

(*f*) partly from a sinking fund established under section 112 in respect of the loan and partly from money borrowed for the purpose under section 109 (*1*) (*b*).

Maintenance and application of sinking fund.

112. (*1*) Whenever the repayment of a loan from a sinking fund has been sanctioned under proviso (*ii*) to sub-section (*1*) of section 109, the Corporation shall establish such a fund and shall pay into it, on such dates as may have been approved under the said proviso, such sum as will, with accumulations of compound interest, be sufficient after payment of all expenses to pay off the loan within the period approved :

Provided that if at any time the sum standing to the credit of the sinking fund established for the repayment of any loan is of such amount that if allowed to accumulate at compound interest it will be sufficient to repay the loan within the period approved, then with the permission of the Provincial Government further payments into such fund may be discontinued.

(*2*) The Corporation may apply a sinking fund, or any part thereof, in or towards the discharge of the loan for which such fund was established and, until such loan or part is wholly discharged, shall not apply the same for any other purpose.

Investment of sinking fund.

113. (*1*) All money paid into a sinking fund shall within one month of the date on which the payment was due to be made under sub-section (*1*) of section 112 be invested in public securities.

(*2*) All interest and other sums received in respect of any such investment shall be paid into the sinking fund and shall, within one month of receipt, be invested in the manner prescribed by sub-section (*1*).

(*3*) Money standing to the credit of two or more sinking funds may, at the discretion of the Corporation, be invested in a common fund, and it shall not be necessary for the Corporation to allocate the securities held in such investments among the several sinking funds.

(*4*) When any part of a sinking fund is invested in debentures issued by the Corporation or is applied in paying off any part of a loan before the period fixed for repayment, the interest which would otherwise have been payable on such debentures or on such part of the loan shall be paid into the sinking fund and invested in the manner laid down in sub-section (*1*).

(*5*) Any investment made under sub-section (*1*) may be varied from time to time or may be transferred from one sinking fund to another :

Provided that the fund from which the transfer is made shall be reimbursed the value of such investment as on the date on which the transfer is made.

(*6*) During the year in which the loan for the repayment of which a sinking fund is established is due for repayment, the sum to be set apart as portion of the principal of such sinking fund and the sum received on account of interest on moneys forming part of such sinking fund may be retained by the Corporation in such form as it thinks fit.

114. (*1*) In respect of any sinking funds which by this Act the Corporation is directed or authorised to invest in public securities and in respect of any surplus moneys which by this Act the Commissioner or the Transport Manager on behalf of the Corporation is empowered to invest in like securities, it shall be lawful for the Corporation to reserve and set apart for the purpose of any such investment any debentures issued or to be issued on account of any loan for which the sanction of the Provincial Government shall have been duly obtained: Investment of sinking fund and surplus moneys in debentures issued by Corporation.

Provided that the intention so to reserve and set apart such debentures shall have been notified to the Provincial Government as a condition of the issue of the loan.

(*2*) The issue of any such debentures direct to and in the name of the Municipal Commissioner or the Transport Manager of the Transport Undertaking on behalf of the Corporation shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to and in the name of any other person.

(*3*) The purchase by, or the transfer, assignment or endorsement to, the Corporation or to the Commissioner or Transport Manager on behalf of the Corporation of any debenture issued by the Corporation shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to, any other person.

115. (*1*) All sinking funds established or maintained under this Act shall be subject to annual examination by the Accountant General, Bombay, who shall ascertain whether the cash and the value of the securities belonging thereto are actually equal to the amount which should be at the credit of such funds had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom. Annual examination of sinking funds.

(*2*) The amount which should be at the credit of a sinking fund shall be calculated on the basis of the present value of all future payments required to be made to such fund under the provisions of this Act, on the assumption that all investments are regularly made and the rate of interest as originally estimated is obtained therefrom.

(*3*) The securities belonging to a sinking fund shall be valued for the purposes of this section at their current market value, except in the case of debentures issued under this Act or for any loan raised before the appointed day for which the Corporation is liable which shall always be valued at par, provided that the Corporation shall make good immediately any loss which may accrue on the actual sale of such debentures at the time of repayment of the loan.

(*4*) The Corporation shall forthwith pay into any sinking fund any amount which the Accountant General, Bombay, may certify to be deficient, unless the Provincial Government specially sanctions a gradual readjustment.

(*5*) If the cash and the value of the securities at the credit of any sinking fund are in excess of the amount which should be at its credit, the Accountant General,

Bombay, shall certify the amount of such excess sum and the Corporation may thereupon transfer the excess sum to the Municipal Fund :

Provided that the Corporation may transfer such excess sum or such portion thereof as it may determine to the Transport Fund if the sinking fund from which the transfer is made pertains to a loan which has been raised in whole or part for the purposes of the Transport Undertaking.

(*6*) If any dispute arises as to the accuracy of any certificate made by the Accountant General, Bombay, under sub-section (*4*) or (*5*) the Corporation may, after making the payment or transfer, refer the matter to the Provincial Government, whose decision shall be final.

Provisions for loans raised before the appointed day.

116. In the case of all loans raised before the appointed day for which the Corporation is liable the following provisions shall apply :—

(*a*) if when such loans were raised the loans were made repayable from sinking funds, the Corporation shall establish sinking funds for the repayment of such loans and shall pay into such funds such sums on such dates as may have been fixed when the loans were raised ;

(*b*) all securities and cash held on the date immediately preceding the appointed day in sinking funds established for the repayment of such loans shall be held by the Corporation as part of the sinking funds established under clause (*a*) ;

(*c*) the provisions of section 112 shall apply to such sinking funds ;

(*d*) if when any such loans were raised the loans were made repayable by equal payments of principal and interest or by equal payments of principal or by annual drawings, the Corporation shall make such payments or annual drawings on such dates and in such manner as may have been fixed when the loans were raised ;

(*e*) the provisions of section 117 shall apply to such loans.

Attachment of Municipal Fund or Transport Fund in default of repayment of loan.

117. (*1*) If any money borrowed by the Corporation or any interest or costs due in respect thereof is or are not repaid according to the conditions of the loan, the Provincial Government, if it has itself given the loan, may, and in other cases shall, on the application of the lender, attach the Municipal Fund or the Transport Fund or a portion of the Municipal Fund or the Transport Fund.

(*2*) After such attachment no person, except an officer appointed in this behalf by the Provincial Government, shall in any way deal with the attached Fund or portion thereof ; but such officer may do all acts in respect thereof which any municipal authority, officer or servant might have done if such attachment had not taken place and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings :

Provided that no such attachment shall defeat or prejudice any debt for which the Fund or portion thereof attached was previously pledged in accordance with law, and all such prior charges shall be paid out of the proceeds of the Fund or portion thereof before any part of the proceeds is applied to the satisfaction of the liability in respect of which such attachment is made.

Form of debentures.

118. (*1*) Debentures issued under this Act shall be in such form as the Corporation may with the previous sanction of the Provincial Government from time to time determine.

(*2*) The holder of any debenture in any form duly authorised under sub-section (*1*) may obtain in exchange therefor, upon such terms as the Corporation shall from time to time determine, a debenture in any other form so authorised.

(*3*) Every debenture issued by the Corporation under this Act shall be transferable by endorsement.

(*4*) The right to payment of the moneys secured by any of such debentures and to sue in respect thereof shall vest in the holder for the time being without any preference by reason of some of such debentures being prior in date to others.

119. All coupons attached to debentures issued under this Act shall be signed by the Chairman of the Standing Committee and the Commissioner on behalf of the Corporation and such signatures may be engraved, lithographed or impressed by any mechanical process.

Coupons attached to debentures to bear signature of Chairman of Standing Committee and Commissioner.

IX of 1872.

120. Notwithstanding anything contained in section 45 of the Indian Contract Act, 1872—

Debentures issued to two or more persons jointly.

(*1*) when any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, the debenture or security shall be payable to the survivor or survivors of such persons:

Provided that nothing in this sub-section shall affect any claim by the legal representative of a deceased person against such survivor or survivors;

(*2*) when two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security unless notice to the contrary has been given to the Corporation by any other of such persons.

121. (*1*) When a debenture issued under this Act is alleged to have been lost, stolen or destroyed either wholly or in part and a person claims to be the person to whom but for the loss, theft or destruction it would be payable, he may, on application to the Commissioner, and on producing proof to his satisfaction of the loss, theft or destruction and of the justice of the claim, obtain from him an order—

Issue of duplicate securities.

(*a*) if the debenture alleged to have been lost, stolen or destroyed is payable more than six years after the date of publication of the notification referred to in sub-section (*2*),—

(*i*) for the payment of interest in respect of the debenture pending the issue of a duplicate debenture, and

(*ii*) for the issue of a duplicate debenture payable to the applicant, or

(*b*) if the debenture alleged to have been lost, stolen or destroyed is payable not more than six years after the date of publication of the notification referred to in sub-section (*2*),—

(*i*) for the payment of interest in respect of the debenture without the issue of a duplicate debenture, and

(*ii*) for the payment to the applicant of the principal sum due in respect of the debenture on or after the date on which the payment becomes due.

(*2*) An order shall not be passed under sub-section (*1*) until after the issue of such notification of the loss, theft or destruction of the debenture as may be prescribed by the Corporation, and after the expiration of such period as may be prescribed by the Corporation nor until the applicant has given such indemnity as may be required by the Corporation against the claims of all persons deriving title under the debenture lost, stolen or destroyed.

(*3*) A list of the debentures in respect of which an order is passed under sub-section (*1*) shall be published in the *Official Gazette.*

(*4*) If at any time before the Corporation becomes discharged under the provisions of section 124 from liability in respect of any debenture the whole of which is alleged to have been lost, stolen or destroyed, such debenture is found, any order passed in respect thereof under this section shall be cancelled.

Renewal of debentures.

122. (*1*) A person claiming to be entitled to a debenture issued under this Act may, on applying to the Commissioner and on satisfying him of the justice of his claim and delivering the debenture receipted in such manner and paying such fee as may be prescribed by the Commissioner, obtain a renewed debenture payable to the person applying.

(*2*) Where there is a dispute as to the title to a debenture issued under this Act in respect of which an application for renewal has been made, the Commissioner may—

(*a*) where any party to the dispute has obtained a final decision from a Court of competent jurisdiction declaring him to be entitled to such debenture, issue a renewed debenture in favour of such party,

(*b*) refuse to renew the debenture until such a decision has been obtained, or

(*c*) after such inquiry as is hereinafter provided and on consideration of the result thereof, declare by order in writing which of the parties is in his opinion entitled to such debenture and may, after the expiration of three months from the date of such declaration, issue a renewed debenture in favour of such party in accordance with the provisions of sub-section (*1*), unless within that period he has received notice that proceedings have been instituted by any person in a Court of competent jurisdiction for the purpose of establishing a title to such debenture.

Explanation.—For the purposes of this sub-section the expression "final decision" means a decision which is not appealable or a decision which is appealable but against which no appeal has been filed within the period of limitation allowed by law.

(*3*) For the purposes of the inquiry referred to in sub-section (*2*) the Commissioner may himself record, or may request the Chief Presidency Magistrate, Bombay, in Greater Bombay and elsewhere any Magistrate of the First Class to record or to have recorded, the whole or any part of such evidence as the parties may produce. The Magistrate to whom such request has been made may himself record the evidence or may direct any Magistrate subordinate to him to record the evidence and shall forward the record of such evidence to the Commissioner.

(*4*) The Commissioner or any Magistrate acting under this section may, if he thinks fit, record evidence on oath.

Liability in respect of debenture renewed.

123. (*1*) When a renewed debenture has been issued under section 122 in favour of any person, the debenture so issued shall be deemed to constitute a new contract between the Corporation and such person and all persons deriving title thereafter through him.

(*2*) No such renewal shall affect the rights as against the Corporation of any other person to the debenture so renewed.

Discharge in certain cases.

124. When a duplicate debenture has been issued under section 121 or when a renewed debenture has been issued under section 122 or when the principal sum due on a debenture in respect of which an order has been made under section 121 for the payment of the principal sum without the issue of a duplicate debenture has been paid on or after the date on which such payment became due, the

Corporation shall be discharged from all liability in respect of the debenture in place of which a duplicate or renewed debenture has been so issued or in respect of which such payment has been made, as the case may be—

(*a*) in the case of a duplicate debenture, after the lapse of six years from the date of the publication of the notification referred to in sub-section (*3*) of section 121 or from the date of the last payment of interest on the original debenture, whichever date is later;

(*b*) in the case of a renewed debenture after the lapse of six years from the date of the issue thereof; and

(*c*) in the case of payment of the principal sum without the issue of a duplicate debenture, after the lapse of six years from the date of the publication of the notification referred to in sub-section (*3*) of section 121.

Indemnity.

125. Notwithstanding anything in section 122, the Commissioner may in any case arising thereunder—

(*1*) issue a renewed debenture upon receiving such indemnity in favour of the Corporation and the Commissioner as he shall think fit against the claims of all persons claiming under the original debenture, or

(*2*) refuse to issue a renewed debenture unless such indemnity is given.

Annual statement to be prepared by Commissioner.

126. (*1*) The Commissioner shall, at the end of each year, prepare a statement showing—

(*a*) the loans borrowed in previous years for which the Corporation is liable and which have not been completely repaid before the commencement of the year, with particulars of the amount outstanding at the commencement of the year, the date of borrowing and the annual loan charges;

(*b*) the loans borrowed by the Corporation in the year with particulars as to the amount and the date of borrowing and the annual loan charges;

(*c*) in the case of every loan for which a sinking fund is maintained the amount of accumulation in the sinking fund at the close of the year showing separately the amount paid to the credit of the fund in the year;

(*d*) the loans repaid in the year and in the case of the loans repaid in instalments or by annual drawings, the amounts repaid in the year, and the balance due at the close of the year;

(*e*) the particulars of securities in which the sinking funds have been invested or reserved therefor.

(*2*) Every such statement shall be laid before a meeting of the Corporation and shall be published in the *Official Gazette* and a copy of such statement shall be sent to the Provincial Government and to the Accountant General, Bombay.

CHAPTER XI.

MUNICIPAL TAXATION.

Taxes to be imposed under this Act.

127. (*1*) For the purposes of this Act, the Corporation shall impose the following taxes, namely—

(*a*) property taxes;

(*b*) a tax on vehicles, boats and animals.

(*2*) In addition to the taxes specified in sub-section (*1*) the Corporation may for the purposes of this Act and subject to the provisions thereof impose any of the following taxes, namely—

(*a*) octroi;

26 Geo. 5, Ch. 2.

(*b*) a profession tax, subject to the provisions of section 142A of the Government of India Act, 1935;

(*c*) a tax on dogs ;

(*d*) a theatre tax ;

(*e*) a toll on animals and vehicles, other than motor vehicles or trailers, save as provided in section 14 of the Bombay Motor Vehicles Tax Act, 1935, entering the City ; Bom. XXXIV of 1935.

(*f*) any other tax which the Provincial Legislature has power under the Government of India Act, 1935, to impose in the Province. 26 Geo. 5, Ch. 2.

(*3*) The municipal taxes shall be assessed and levied in accordance with the provisions of this Act and the rules.

(*4*) Nothing in this section shall authorise the imposition of any tax which the Provincial Legislature has no power to impose in the Province under the Government of India Act, 1935. 26 Geo. 5, Ch. 2.

Manner of recovering municipal taxes.

128. A municipal tax may be recovered by the following processes in the manner prescribed by rules :—

(*1*) by presenting a bill,

(*2*) by serving a written notice of demand,

(*3*) by distraint and sale of a defaulter's moveable property,

(*4*) by the attachment and sale of a defaulter's immovable property,

(*5*) in the case of octroi and toll, by the seizure and sale of goods and vehicles,

(*6*) in the case of property tax by the attachment of rent due in respect of the property,

(*7*) by a suit.

Property Taxes.

Property-taxes leviable.

Property taxes of what to consist and at what rate leviable.

129. For the purposes of sub-section (*1*) of section 127 property taxes shall comprise the following taxes which shall, subject to the exceptions, limitations and conditions hereinafter provided, be levied on buildings and lands in the City :—

(*a*) a water tax at such percentage of their rateable value as the Corporation shall deem reasonable, for providing a water supply for the City ;

(*b*) a conservancy tax at such percentage of their rateable value as will in the opinion of the Corporation suffice to provide for the collection, removal and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cess-pools and for efficiently maintaining and repairing the municipal drains constructed or used for the reception or conveyance of such matter, subject however to the provisos that the minimum amount of such tax to be levied in respect of any one separate holding of land or of any one building or of any one portion of a building which is let as a separate holding shall be eight annas per mensem and that the amount of such tax to be levied in respect of any hotel, club or other large premises may be specially fixed under section 137 ;

(*c*) a general tax of not less than twelve per cent. of their rateable value, which may be levied, if the Corporation so determines, on a graduated scale :

Provided that the Corporation may, when fixing under section 99 or section 150 the rate at which general tax shall be levied for any official year or part of an official year, determine that the rate leviable in respect of buildings and lands or portions of buildings and lands in which any particular class of trade or business is carried on shall be higher than the rate fixed in respect of other buildings and lands or portions of buildings and lands by an amount not exceeding one-half of the rate so fixed.

Explanation.—Where any portion of a building or land is liable to a higher rate of the general tax such portion shall be deemed to be a separate property for the purpose of municipal taxation.

Water tax on what premises levied.

130. (*1*) Subject to the provisions of section 134, the water tax shall be levied only in respect of premises—

(*a*) to which private water supply is furnished from, or which are connected by means of communication pipes with, any municipal water works; or

(*b*) which are situated in a portion of the City in which the Commissioner has given public notice that the Corporation has arranged to supply water from municipal water works by means of private water connections or of public stand-posts, fountains or by any other means.

Conservancy tax on what premises to be levied.

131. (*1*) The conservancy tax shall be levied only in respect of premises—

(*a*) situated in any portion of the City in which public notice has been given by the Commissioner that the collection, removal and disposal of all excrementitious and polluted matter from privies, urinals and cess-pools, will be undertaken by municipal agency; or

(*b*) in which, wherever situate, there is a privy, water-closet, cess-pool, urinal, bathing place or cooking place connected by a drain with a municipal drain:

Provided that the said tax shall not be levied in respect of any premises situated in any portion of the City specified in clause (*a*), in or upon which, in the opinion of the Commissioner, no such matter as aforesaid accumulates or is deposited.

(*2*) Premises in respect of which the Commissioner has directed that a separate water-closet, privy or urinal need not be provided shall be deemed to be liable to the levy of conservancy tax if, but for such direction, the tax would be leviable in respect thereof.

General tax on what premises to be levied.

132. (*1*) The general tax shall be levied in respect of all buildings and lands in the City except—

(*a*) buildings and lands solely used for purposes connected with the disposal of the dead;

(*b*) buildings and lands or portions thereof solely occupied and used for public worship or for a public charitable purpose;

(*c*) buildings and lands vesting in the Crown used solely for public purposes and not used or intended to be used for purposes of trade or profit or vesting in the Corporation, in respect of which the said tax, if levied, would under the provisions hereinafter contained be primarily leviable from the Crown or the Corporation, respectively.

(*2*) The following buildings and lands or portions thereof shall not be deemed to be solely occupied and used for public worship or for a public charitable purpose within the meaning of clause (*b*) of sub-section (*1*), namely—

(*a*) buildings or lands or portions thereof in which any trade or business is carried on; and

(*b*) buildings or lands or portions thereof in respect of which rent is derived, whether such rent is or is not applied solely to religious or charitable purposes.

(*3*) Where any portion of any building or land is exempt from the general tax by reason of its being solely occupied and used for public worship or for a public charitable purpose, such portion shall be deemed to be a separate property for the purpose of municipal taxation.

Payments to be made to Corporation in lieu of general tax by Provincial Government.

133. (*1*) The Provincial Government shall pay to the Corporation annually in two half-yearly instalments payable by the 30th day of September and the 31st day of March in every year in lieu of the general tax from which buildings and lands vesting in the Crown for the purposes of the Province are exempted by clause (*c*) of sub-section (*1*) of section 132, a sum ascertained in the manner provided in sub-sections (*2*) and (*3*).

(*2*) The rateable value of the buildings and lands in the City vesting in the Crown and beneficially occupied, in respect of which, but for the said exemption, general tax would be leviable from the Provincial Government shall be fixed by a person from time to time appointed in this behalf by the Provincial Government with the concurrence of the Corporation. The said value shall be fixed by the said person, with a general regard to the provisions contained in this Act and the rules concerning the valuation of property assessable to property taxes, at such amount as he shall deem to be fair and reasonable. The decision of the person so appointed shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands vesting in the Crown in the City for the purposes of the Province materially increases or decreases.

(*3*) The sum to be paid annually to the Corporation by the Provincial Government shall be eight-tenths of the amount which would be payable by an ordinary owner of buildings or lands in the City, on account of the general tax, on a rateable value of the same amount as that fixed under sub-section (*2*).

Special provisions relating to water and conservancy taxes.

Fixed charges and agreements for payments in lieu of taxes for water supplied.

134. (*1*) The Commissioner may—

(*a*) in such cases as the Standing Committee shall generally approve, instead of levying the water tax in respect of any premises liable thereto, charge for the water supplied to such premises by measurement at such rate as shall from time to time be prescribed by the said Committee in this behalf or by the size of the water connection with the municipal main and the purpose for which the water is supplied at such rates as shall from time to time be prescribed by the Corporation,

(*b*) in such cases as the Standing Committee shall generally approve, compound with any person for the supply of water to any premises for a renewable term of one or more years not exceeding five, on payment of a fixed periodical sum in lieu of the water tax or charge by measurement or by the size of the water connection which would otherwise be leviable from such person in respect of the said premises.

(*2*) The Standing Committee may, for the cases in which the Commissioner charges for water by measurement or by the size of the water connection under clause (*a*) of sub-section (*1*), from time to time prescribe such conditions as it shall think fit as to the use of the water and as to the charge to be paid for water consumed whilst a meter is out of order or under repair; and for the cases in which a composition is made under clause (*b*) of the said sub-section the said Committee may prescribe such conditions as to the use of the water as it shall think fit:

Provided that no condition prescribed under this sub-section shall be inconsistent with this Act or the rules or by-laws.

(*3*) A person who is charged for water by measurement or by the size of the water connection or who has compounded for a fixed periodical sum shall not be liable for payment of the water-tax, but any sum payable by him on account of water shall, if not paid when it becomes due, be recoverable by the Commissioner as if it were an arrear of water-tax.

135. If, in respect of premises used solely for public purposes and not used or intended to be used for purposes of profit or for residential, charitable or religious purposes, water tax would be leviable under this Act from the Crown, the Commissioner, in lieu of levying such tax, shall charge for the water supplied to such premises, by measurement, at such rate as shall be prescribed by the Standing Committee in this behalf not exceeding the minimum rate at the time being charged under clause (*a*) of sub-section (*1*) of section 134 to any other person; and such charge shall be recoverable as provided in sub-section (*3*) of the said section. Crown to be charged for water by measurement.

136. No tax or charge of any kind shall be levied or demanded for the use of water in or from any drinking fountain, tank, reservoir, cistern, pump, well, duct, stand-pipe or other work used for the gratuitous supply of water to the inhabitants of the City and vesting in the Corporation: Supply of water at public drinking fountains etc., not to be taxed.

Provided that the water in or from any such work shall be used only for personal or domestic purposes and not for the purpose of business or sale.

137. (*1*) The Commissioner may, whenever he thinks fit, fix the conservancy tax to be paid in respect of any hotel, club, stable or other large premises at such special rate as shall be generally approved by the Standing Committee in this behalf, whether the service in respect of which such tax is leviable be performed by human labour or by substituted means or appliances. Conservancy tax may be fixed at special rates in certain cases.

(*2*) In the case of premises used solely for public purposes and not used or intended to be used for purposes of profit or for residential or charitable or religious purposes in respect of which the conservancy tax is payable by the Crown the Commissioner shall fix the said tax at a special rate approved as aforesaid.

(*3*) In any such case the amount of the conservancy tax shall be fixed with reference to the cost or probable cost of the collection, removal and disposal, by the agency of municipal conservancy staff, of excrementitious and polluted matter from the premises.

138. (*1*) Any person who has paid to the Commissioner any water tax or conservancy tax in respect of any premises shall, if he was not himself in occupation of the said premises during the period for which he has made such payment and subject to any agreement or contract to the contrary, be entitled to receive the amount of the said payment from the person, if any, in actual occupation of the said premises for the said period. Water tax or conservancy tax paid by any person may be recovered by him from the occupier of the premises for which it is paid.

(*2*) For the recovery of the said amount from the person aforesaid, the person who has paid the same shall have the same rights and remedies as if such amount were rent payable to hin by the person from whom he is entitled to receive the same.

Liability for Property Taxes.

139. (*1*) Subject to the provisions of sub-section (*2*) property taxes assessed upon any premises shall be primarily leviable as follows, namely:— Primary responsibility for property taxes on whom to rest.

(*a*) if the premises are held immediately from the Crown or from the Corporation, from he actual occupier thereof:

Provided that property taxes due in respect of buildings vesting in the Crown and occupied by servants of the Crown or other persons on payment of rent shall be leviable primarily from the Crown ;

(*b*) if the premises are not so held—

(*i*) from the lessor if the premises are let ;

(*ii*) from the superior lessor if the premises are sub-let ;

(*iii*) from the person in whom the right to let the premises vests if they are unlet.

(*2*) If any land has been let for any term exceeding one year to a tenant, and such tenant has built upon the land, the property taxes assessed upon the said land and upon the building erected thereon shall be primarily leviable from the said tenant or any person deriving title from the said tenant by the operation of law or by assignment or transfer but not by sub-lease or the legal representative of the said tenant or person whether the premises be in the occupation of the said tenant or person or legal representative or a sub-tenant.

When occupiers may be held liable for payment of property taxes.

140. (*1*) If the sum due on account of any property tax remains unpaid after a bill for the same has been duly served under the rules upon the person primarily liable for the payment thereof and the said person be not the occupier for the time being of the premises in respect of which the tax is due, the Commissioner may serve a bill for the amount upon the occupier of the said premises, or, if there are two or more occupiers thereof, may serve a bill upon each of them for such portion of the sum due as bears to the whole amount due the same ratio which the rent paid by such occupier bears to the aggregate amount of rent paid by them both or all in respect of the said premises.

(*2*) If the occupier or any of the occupiers fails within thirty days from the service of any such bill to pay the amount therein claimed, the said amount may be recovered from him in accordance with the rules.

(*3*) No arrear of a property-tax shall be recovered from any occupier under this section which has remained due for more than one year, or which is due on account of any period for which the occupier was not in occupation of the premises on which the tax is assessed.

(*4*) If any sum is paid by, or recovered from, an occupier under this section, he shall be entitled to credit therefor in account with the person primarily liable for the payment of the same.

Property-taxes to be a first charge on premises on which they are assessed.

141. (*1*) Property-taxes due under this Act in respect of any building or land shall, subject to the prior payment of the land revenue, if any, due to the Provincial Government thereupon, be a first charge, in the case of any building or land held immediately from the Crown, upon the interest in such building or land of the person liable for such taxes and upon the moveable property, if any, found within or upon such building or land and belonging to such person ; and, in the case of any other building or land, upon the said building or land and upon the moveable property, if any, found within or upon such building or land and belonging to the person liable for such taxes.

Explanation.—The term " property-taxes " in this section shall be deemed to include charges payable under section 134 for water supplied to any premises and the costs of recovery of property taxes as specified in the rules.

(*2*) In any decree passed in a suit for the enforcement of the charge created by sub-section (*1*), the Court may order the payment to the Corporation of interest on the sum found to be due at such rate as the Court deems reasonable from the

date of the institution of the suit until realisation, and such interest and the cost of enforcing the said charge, including the costs of the suit and the cost of bringing the premises or moveable property in question to sale under the decree, shall, subject as aforesaid, be a fresh charge on such premises and moveable property along with the amount found to be due, and the Court may direct payment thereof to be made to the Corporation out of the sale proceeds.

Tax on Vehicles, Boats and Animals.

Tax on vehicles, boats and animals.

142. (*1*) Except as hereinafter provided, a tax at rates not exceeding those prescribed by order in writing by the Provincial Government in this behalf from time to time shall be levied on vehicles, boats and animals of the descriptions specified in the order, when kept for use in the City for the conveyance of passengers or goods in the case of vehicles and boats and for riding, racing, draught or burden in the case of animals.

Explanation.—A vehicle, boat or animal kept outside the limits of the City but regularly used within such limits shall be deemed to be kept for use in the City.

(*2*) The Corporation shall from year to year, in accordance with section 99, determine the rates at which the tax shall be levied.

Exemptions from the tax.

143. (*1*) The said tax shall not be leviable in respect of—

(*a*) vehicles, boats and animals belonging to the Corporation other than vehicles or animals used exclusively for the purposes of the Transport Undertaking ;

(*b*) vehicles, boats and animals vesting in the Crown and used solely for public purposes and not used or intended to be used for purposes of profit, including vehicles, boats and animals belonging to the Defence Forces ;

(*c*) vehicles and boats intended exclusively for the conveyance free of charge of the injured, sick or dead ;

(*d*) children's perambulators and tricycles ;

(*e*) vehicles belonging to municipal officers or servants who are required by the terms of their appointment to maintain a conveyance for the discharge of their duties :

Provided that the exemption granted by this clause will not be available in respect of more than one vehicle for each officer or in respect of a vehicle which does not belong to the class of conveyance which the officer is required to maintain ;

(*f*) vehicles or boats kept by *bona fide* dealers in vehicles or boats for sale merely, and not used :

Provided that a tax at such rate as the Corporation shall with the approval of the Provincial Government fix in this behalf shall be levied half yearly in advance from every dealer in motor vehicles for every seven motor vehicles in respect of which a Trade Certificate is issued to him under rules made under the Motor Vehicles Act, 1939.

IV of 1939.

(*2*) If any question arises under clause (*b*) of sub-section (*1*) whether any vehicle, boat or animal vesting in the Crown is or is not used or intended to be used for purposes of profit, such question shall be determined by the Provincial Government whose decision shall be final.

Livery-stable keepers and others may be compounded with.

144. The Commissioner may, with the approval of the Standing Committee, compound with any livery-stable keeper or other person keeping vehicles or horses or bullocks for hire, or with any dealer having stables in which horses are kept for sale on commission or otherwise, for the payment of a lump sum for any period not exceeding one year at a time, in lieu of the taxes leviable under section 142 which such livery-stable keeper or other person or dealer would otherwise be liable to pay.

Power to inspect stables and summon persons liable to the tax.

145. (*1*) The Commissioner may make an inspection of any stable, garage or coach-house or any place wherein he may have reason to believe that there is any vehicle, boat or animal liable to a tax under this Act.

(*2*) The Commissioner may, by written summons, require the attendance before him of any person whom he has reason to believe to be liable to the payment of a tax in respect of a vehicle, boat or animal, or of any servant of any such person, and may examine such person or servant as to the number and description of vehicles, boats and animals owned by or in the possession or under the control of such person; and every person so summoned shall be bound to attend before the Commissioner and to give true information to the best of his knowledge or belief, as to the said matters.

Exemptions from Octroi.

Exemption of articles belonging to Crown from octroi, and refund of octroi on articles becoming property of Crown.

146. (*1*) No octroi shall be leviable on any article which, at the time of its importation, is certified by an officer empowered by the Government concerned in this behalf to be the property of the Crown, to be used or intended to be used solely for public purposes and not to be used or intended to be used for purposes of profit.

(*2*) If any article on which octroi is paid is imported under a written declaration signed by the importer that such article is being imported for the purpose of fulfilling a specified contract with the Government or otherwise for the use of the Crown, the full amount of the duty paid thereon shall be refunded on production, at any time within six months after importation, of a certificate signed by an officer empowered by the Government concerned in this behalf certifying that the article so imported has become the property of the Crown, is used or intended to be used solely for a public purpose and is not used or intended to be used for purposes of profit.

Articles imported for immediate exportation.

147. Until the contrary is proved any goods imported into the City shall be presumed to have been imported for the purposes of consumption, use or sale therein unless such goods are conveyed from the place of import to the place of export by such routes, within such time, under such supervision and on payment of such fees therefor as shall be determined by the standing orders.

Exemptions from Theatre Tax.

Exemptions from theatre tax.

148. The theatre tax shall not be leviable in respect of—

(*a*) any entertainment or amusement for admission to which no charge is made or only a nominal charge is made;

(*b*) any entertainment or amusement which is not open to the general public on payment;

(*c*) any entertainment or amusement the full proceeds of which, without the deduction of expenses, are intended to be utilised for a public charitable purpose.

Explanation.—For the purposes of this section a nominal charge shall be such charge as may be fixed by the rules.

Other taxes.

Procedure to be followed in levying other taxes.

149. (*1*) In the event of the Corporation deciding to levy any of the taxes specified in sub-section (*2*) of section 127, it shall make detailed provision, in so far as such provision is not made by this Act, in the form of rules, modifying, amplifying or adding to the rules at the time in force for the following matters, namely :—

(*a*) the nature of the tax, the rates thereof, the class or classes of persons, articles or properties liable thereto and the exemptions therefrom, if any, to be granted;

(*b*) the system of assessment and method of recovery and the powers exercisable by the Commissioner or other officers in the collection of the tax;

(*c*) the information required to be given of liability to the tax;

(*d*) the penalties to which persons evading liability or furnishing incorrect or misleading information or failing to furnish information may be subjected;

(*e*) such other matters, not inconsistent with the provisions of this Act, as may be deemed expedient by the Corporation:

Provided that no rules shall be made by the Corporation in respect of any tax coming under clause (*f*) of sub-section (*2*) of section 127 unless the Provincial Government shall have first given provisional approval to the selection of the tax by the Corporation.

(*2*) The rules shall be submitted by the Corporation to the Provincial Government and the Provincial Government may either refuse to sanction them or refer them back to the Corporation for further consideration or sanction them either as they stand or with such modifications as it thinks fit, not, however, involving an increase in the rate or rates of the levy or the extent thereof.

(*3*) Any sanction given by the Provincial Government under sub-section (*2*) shall become operative on such date not earlier than one month from the date of the sanction as the Provincial Government shall specify in the order of sanction, and the Corporation shall be competent to levy the tax covered by the sanction as from the date so specified.

(*4*) The Corporation and the Provincial Government shall take such steps as may be practicable to ensure that the date specified in the order of sanction is the first day of April, unless the sanction is given in pursuance of a proposal for supplementary taxation under section 150:

Provided that nothing in sub-section (*4*) shall affect the power of the Corporation to levy a tax as from a date later than the first day of April if the sanction of the Provincial Government is not given by the first day of March immediately preceding and if the Provincial Government in the order of sanction specifies a date later than the first day of April for the commencement of the levy of the tax.

(*5*) The provisions of this section shall apply, as far as may be, to any alterations which the Corporation may from time to time decide to make in the rates fixed for any tax, or in the class or classes of persons, articles, or properties liable thereto or in the exemptions therefrom, if any, to be granted.

Supplementary Taxation.

150. Whenever the Corporation determines under section 104 to have recourse to supplementary taxation in any official year, it shall do so by increasing, for the unexpired portion of the said year, the rates at which any tax imposable under this Act is being levied, subject to the limit and conditions for such tax prescribed in this Act or in the orders or sanction of the Provincial Government or by levying, with due sanction, a tax imposable under this Act but not being levied at the time being.

Any tax imposable under this Act may be increased or newly imposed by way of imposing supplementary taxation.

Refunds.

Refunds of taxes how obtainable.

151. Refunds of a municipal tax shall be claimable in the manner and subject to the conditions prescribed by rules.

Writing off of taxes.

Writing off of irrecoverable taxes.

152. The Commissioner may, with the approval of the Standing Committee, from time to time write off any sum due on account of any tax or of the costs of recovering any tax, which shall, in his opinion, be irrecoverable.

CHAPTER XII.

Drains and Drainage.

Municipal Drains.

Drains to be constructed and kept in repair by the Commissioner.

153. (*1*) The Commissioner shall maintain and keep in repair all municipal drains and shall with the approval of the Corporation construct such new drains as shall from time to time be necessary for effectually draining the City.

(*2*) The Commissioner shall also, in the case of any street in which there is a municipal drain, construct at the charge of the Municipal Fund such portion of the drain of any premises to be connected with such municipal drain as it shall be necessary to lay under any part of such street and the portion of any connecting drains so laid under the street shall vest in the Corporation and be maintained and kept in repair by the Commissioner as a municipal drain.

Adoption by Corporation of drains and drainage or sewage disposal works.

154. (*1*) The Commissioner may at any time with the approval of the Corporation declare that any drain or part thereof or any drainage or sewage disposal works situate within the City or serving the City or any part thereof shall, from such date as may be specified in the declaration, become vested in the Corporation :

Provided that, when the Commissioner proposes to make a declaration under this sub-section, he shall give written notice of the proposal to the owner or owners of the drain or works in question and shall take no further action in the matter until either one month has elapsed without an objection against his proposal being lodged under sub-section (*2*) or, as the case may be, until any objection so lodged has been duly considered.

(*2*) An owner aggrieved by the proposal of the Commissioner to make a declaration under sub-section (*1*) may, within one month after notice of the proposal is served upon him, appeal to the Provincial Government or to such officer of the Provincial Government as the Provincial Government may designate by order in the *Official Gazette* in this behalf and shall, if he so appeals, give written intimation of the fact to the Commissioner.

(*3*) After consideration of an appeal under sub-section (*2*), and after making such inquiries as may be necessary, the Provincial Government or the said officer may with due regard to the provisions of sub-section (*4*) allow or disallow the proposal of the Commissioner and may, if it or he thinks fit, specify conditions, including conditions as to the payment of compensation by the Commissioner, subject to which it or he allows the proposal.

(*4*) The Commissioner in deciding whether a declaration should b made under sub-section (*1*) shall have regard to all the circumstances of the case and, in particular, to the following considerations :—

(*a*) whether the drain or works in question is or are adapted to, or required for, any general system of drainage or drainage disposal or sewage disposal which the Commissioner has provided, or proposes to provide, for the City or any part thereof ;

(*b*) whether the drain is constructed under a street or under land reserved by or under the provisions of this Act or any other law for the time being in force for a street ;

(*c*) the number of buildings which the drain is intended to serve, and whether, regard being had to the proximity of other buildings or the prospect of future development, it is likely to be required to serve additional buildings ;

(*d*) the method of construction and state of repair of the drain or works ; and

(*e*) whether the making of the proposed declaration would be seriously detrimental to the owner of the drain or works in question.

(*5*) Any person who immediately before the making of a declaration under sub-section (*1*) was entitled to use thedrain in question shall be entitled to use it, or any drain substituted therefor, to the same extent as if the declaration had not been made.

(*6*) When the Commissioner is about to take into consideration the question of making a declaration under sub-section (*1*) with respect to a drain or drainage or sewage disposal works situate within the jurisdiction of some local authority other than the Corporation or situate within the City but serving an area, or part of an area, within the jurisdiction of such local authority, he shall give notice to that authority and no declaration shall be made by him until either that authority has consented thereto or the Provincial Government, on an application made to it, has dispensed with the necessity of such consent, either unconditionally or subject to such conditions as it may think fit to impose.

(*7*) When the Commissioner has made a declaration under sub-section (*1*) with respect to a drain or drainage disposal or sewage disposal works situate within the jurisdiction of some local authority other than the Corporation he shall forthwith give notice of the fact to such authority.

(*8*) The Commissioner shall not make a declaration under sub-section (*1*) with respect to any drain or part of a drain or any works if that drain or part of a drain or those works is or are vested in some local authority other than the Corporation or in the Central Government or a railway administration, except on the request of the authority, Government or administration concerned.

155. (*1*) The Commissioner may carry any municipal drain through, across or under any street, or any place laid out as or intended for a street or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the City, or, for the purpose of outfall or distribution of sewage, without the City. Powers for making drains.

(*2*) The Commissioner may enter upon, and construct any new drain in the place of an existing drain in, any land wherein any municipal drain has been already lawfully constructed, or repair or alter any municipal drain so constructed.

Alteration and discontinuance of drains.

156. The Commissioner may enlarge, alter the course of, lessen, arch over or otherwise improve any municipal drain, and may discontinue, close up or destroy any such drain which has, in his opinion, become useless or unnecessary or prohibit the use of any such drain either entirely or for the purpose of foul water drainage or for the purpose of surface drainage :

Provided that, if by reason of anything done under this section any person is deprived of the lawful use of any drain, the Commissioner shall, as soon as may be, provide for his use some other drain as effectual as the one which has been discontinued, closed up or destroyed or the use of which has been prohibited.

Cleansing drains.

157. (*1*) The municipal drains shall be so constructed, maintained and kept as to create the least practicable nuisance and shall be from time to time properly flushed, cleansed and emptied.

(*2*) For the purpose of flushing, cleansing, and emptying the said drains, the Commissioner may construct or set up such reservoirs, sluices, engines and other works, as he shall from time to time deem necessary.

Drains of Private Streets and Drainage of Premises.

Power to connect drain of private street with municipal drain.

158. The owner of a private street shall be entitled to connect the drain of such street with a municipal drain subject to the conditions laid down in the rules.

Right of owners and occupiers of buildings and lands to drain into municipal drains.

159. (*1*) Subject to the provisions of this section, the owner or occupier of any premises shall be entitled to cause his drain to empty into a municipal drain or other place legally set apart for the discharge of drainage :

Provided that nothing in this sub-section shall entitle any person—

(*a*) to discharge directly or indirectly into any municipal drain any trade effluent except in accordance with the provisions of section 166 or any liquid or other matter the discharge of which is prohibited by or under this Act or any other law for the time being in force ;

(*b*) where separate municipal drains are provided for foul water and for surface water, to discharge directly or indirectly—

(*i*) foul water into a drain provided for surface water ; or

(*ii*) except with the permission of the Commissioner surface water into a drain provided for foul water ; or

(*c*) to have his drain made to communicate directly with a storm-water overflow drain.

(*2*) Every person desirous of availing himself of the provisions of sub-section (*1*) shall obtain the written permission of the Commissioner and shall comply with such conditions as the Commissioner may prescribe as to the mode in which and the superintendence under which connections with municipal drains or other places aforesaid are to be made.

(*3*) The Commissioner may, if he thinks fit, in lieu of giving permission under sub-section (*2*) to any person to have his drain or sewer connected with a municipal drain or other place as aforesaid himself connect after giving notice to the person concerned within fourteen days of the receipt of his application, and the reasonable expenses of any work so done shall be paid by the person aforesaid.

Powers of Commissioner to require drain or proposed drain to be so constructed as to form part of general system.

160. (*1*) Where a person proposes to construct a drain, the Commissioner may, if he considers that the proposed drain is, or is likely to be, needed to form part of a general drainage system which the Corporation has provided or proposes to provide, require him to construct the drain in a manner differing, as regards material or size of pipes, depth, fall, direction or outfall, or otherwise, from the manner in which he proposes, or could otherwise be required by the Commissioner, to construct it, and it shall be his duty to comply with the requirements of the Commissioner.

(*2*) No person who under this section has been required by the Commissioner to construct a drain in a particular manner shall construct it or cause it to be constructed otherwise than in accordance with the requirements of the Commissioner.

(*3*) The Commissioner shall repay from the Municipal Fund to the person constructing a drain in accordance with a requirement under sub-section (*1*), the entire expenses reasonably incurred by him in complying with such requirement and, until the drain becomes a municipal drain, he shall also from time to time repay to him from the Municipal Fund so much of any expenses reasonably incurred by him in repairing or maintaining it as may be attributable to the requirement having been made and complied with.

Connections with municipal drains not to be made except in conformity with section 158 or 159.

161. No person shall, without complying with the provisions of section 158 or 159, as the case may be, and the rules, make or cause to be made any connection of a drain belonging to himself or to some other person with any municipal drain or other place legally set apart for the discharge of drainage; and the Commissioner may close, demolish, alter or remake any such connection made in contravention of this section, and the expenses incurred by the Commissioner in so doing shall be paid by the owner of the street, or the owner or occupier of the premises, for the benefit of which the connection was made, or by the person offending.

Right of owners and occupiers of premises to carry drain through land belonging to other persons.

162. (*1*) If it shall appear to the Commissioner that the only means or the most convenient means by which the owner or occupier of any premises can cause his drain to empty into a municipal drain or other place legally set apart for the discharge of drainage, is by carrying the same into, through or under any land belonging to some person other than the said owner or occupier, the Commissioner, after giving to the owner of the land a reasonable opportunity of stating any objection, may, if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorise the said owner or occupier to carry his drain into, through or under the said land in such manner as he shall think fit to allow.

(*2*) Every such order, bearing the signature of the Commissioner, shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose after giving or tendering to the owner of the land reasonable written notice of his intention so to do, to enter upon the said land with assistants and workmen, at any time between sunrise and sunset and to execute the necessary work.

(*3*) Subject to all other provisions of this Act, the owner or occupier of any premises, or any agent or person employed by him for this purpose, may, after giving or tendering to the owner of any land, wherein a drain has been already lawfully constructed for the drainage of his said premises, reasonable written notice of his intention so to do, enter upon the said land with assistants and workmen, at any time between sunrise and sunset and construct a new drain in the place of the existing drain or repair or alter any drain so constructed.

(*4*) In executing any work under this section as little damage as may be shall be done, and the owner or occupier of the premises for the benefit of which the work is done shall—

(*a*) cause the work to be executed with the least practicable delay;

(*b*) fill in, reinstate and make good, at his own cost and with the least practicable delay, the ground or portion of any building or other construction opened, broken up or removed for the purpose of executing the said work;

(*c*) pay compensation to any person who sustains damage by the execution of the said work.

(*5*) If the owner of any land, into, through or under which a drain has been carried under this section whilst such land was unbuilt upon, shall subsequently at any time desire to erect a building on such land, the Commissioner shall by written notice require the owner or occupier of the premises for the benefit of which such drain was constructed to close, remove or divert the same in such manner as shall be approved by the Commissioner, and to fill in, reinstate and make good the land as if the drain had not been carried into, through or under the same:

Provided that no such requisition shall be made, unless, in the opinion of the Commissioner, it is necessary or expedient, in order to admit of the construction of the proposed building or the safe enjoyment thereof, that the drain be closed, removed or diverted.

Owner of land to allow others to carry drains through the land.

163. Every owner of land shall be bound to allow any person in whose favour an order has been made under sub-section (*1*) of section 162 to carry a drain into, through or under the land of such owner on such terms as may be prescribed in such order.

Commissioner may enforce drainage of undrained premises situate within hundred feet of municipal drain.

164. Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage and a municipal drain or some place legally set apart for the discharge of drainage is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises—

(*a*) to make a drain of such material, size and description and laid at such level and according to such alignment and with such fall and outlet as may appear to the Commissioner necessary, emptying into such municipal drain or place aforesaid at such point as the Commissioner may consider suitable:

Provided that, where any premises have already been drained under municipal requirements and have to be redrained, no such requisition shall be made without the previous sanction of the Standing Committee;

(*b*) to provide and set up all such appliances and fittings as may appear to the Commissioner necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith;

(*c*) to remove any existing drain, or other appliance or thing used or intended to be used for drainage, which in the opinion of the Commissioner is injurious to health;

(*d*) to provide a closed drain in substitution of an open drain or to provide such other appliance or thing either newly or in substitution of any existing appliance or thing or to provide both a closed drain and such other appliance or thing in substitution of the existing open drain and other appliance or thing, which is, or which is likely to be, injurious to health;

(*e*) to provide and set up all such appliances and fittings as may appear to the Commissioner to be necessary for the purpose of gathering and receiving the waste water from floors and galleries of buildings when they are washed, and conveying the same through spouts, by down-take pipes, so as to prevent such waste water from discharging directly on streets or inside any lower portion of the premises.

Commissioner may enforce drainage of undrained premises not situate within hundred feet of municipal drain.

165. (*1*) Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage, but no municipal drain or such place as aforesaid is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises—

(*a*) to construct a drain up to a point to be prescribed in such notice, but not distant more than one hundred feet from some part of the said premises; or

(*b*) to construct a closed cesspool of such material, size and description in such position, at such level, and with allowance for such fall as the Commissioner thinks necessary and drain or drains emptying into such cesspool.

(*2*) Any requisition for the construction of any drain under sub-section (*1*) may comprise any detail specified in section 164.

Special provisions relating to trade effluent.

166. Subject to the provisions of this Act, rules and by-laws, the occupier of any trade premises may, with the consent of the Commissioner, or so far as may be permitted by any such rules or by-laws without such consent, discharge into the municipal drains any trade effluent proceeding from those premises.

Power of Commissioner to drain premises in combination.

167. (*1*) Where the Commissioner is of opinion that any group or block of premises, any part of which is situated within one hundred feet of a municipal drain, or other place legally set apart for the discharge of drainage, already existing or about to be constructed, may be drained more economically or advantageously in combination than separately, the Commissioner may cause such group or block of premises to be drained by such method as appears to the Commissioner to be best suited therefor, and the expenses incurred by the Commissioner in so doing shall be paid by the owners of such premises in such proportions as the Commissioner thinks fit.

(*2*) Not less than fifteen days before any work under this section is commenced the Commissioner shall give written notice to the owners of all the premises to be drained, of—

(*a*) the nature of the intended work,

(*b*) the estimated expenses thereof, and

(*c*) the proportion of such expenses payable by each owner.

(*3*) The owners for the time being of the several premises constituting a group or block drained under sub-section (*1*) shall be the joint owners of every drain constructed, erected or fixed, or continued for the special use and benefit only of such premises, and shall in the proportions in which it is determined that the owners

of such premises are to contribute to the expenses incurred by the Commissioner under sub-section (*1*), be responsible for the expense of maintaining every such drain in good repair and efficient condition:

Provided that every such drain shall from time to time be flushed, cleansed and emptied by the Commissioner at the charge of the Municipal Fund.

Commissioner may close or limit the use of existing private drains.

168. (*1*) Where a drain connecting any premises with a municipal drain or other place legally set apart for the discharge of drainage, though sufficient for the effectual drainage of the said premises and otherwise unobjectionable, is not, in the opinion of the Commissioner, adapted to the general drainage system of the City or of the part of the City in which such drain is situated, the Commissioner may—

(*a*) subject to the provision of sub-section (*2*), close, discontinue, or destroy the said drain and cause any work necessary for that purpose to be done;

(*b*) direct that such drain shall, from such date as he may specify in this behalf, be used for sullage and sewage only, or for rainwater only or for unpolluted sub-soil water only, or for both rain-water and unpollutted sub-soil water only, and by written notice require the owner or occupier of the premises to make an entirely distinct drain for rainwater or unpolluted sub-soil water, or for both rainwater and unpolluted sub-soil water, or for sullage and sewage.

(*2*) No drain may be closed, discontinued or destroyed by the Commissioner under item (*a*) in sub-section (*1*) except on condition of his providing another drain as effectual for the drainage of the premises and communicating with any municipal drain or other place aforesaid which the Commissioner thinks fit; and the expense of the construction of any drain so provided by the Commissioner and of any work done under the said item shall be paid by the Commissioner.

(*3*) Any requisition made by the Commissioner under item (*b*) of sub-section (*1*) may embrace any detail specified in item (*a*) or (*b*) in section 164.

Vesting and maintenance of drains for sole use of properties.

169. Subject to the provisions of sub-section (*2*) of section 153, every drain which has been constructed, laid, erected or set up, whether at the expense of the Corporation or not, or which is continued for the sole use and benefit of any premises or group of premises shall—

(*a*) notwithstanding anything contained in section 170, vest in the owner of such premises or group of premises on and from the appointed day;

(*b*) be provided with all such further appliances and fittings as may appear to the Commissioner necessary for the more effectual working of the same, and also be maintained in good repair and efficient condition by the owner of such premises or group of premises, and be from time to time flushed, cleansed and emptied by the Commissioner at the charge of the Municipal Fund.

Right of Corporation to drains, etc., constructed, etc., at charge of Municipal Fund on premises not belonging to Corporation.

170. All drains, ventilation-shafts and pipes and all appliances and fittings connected with drainage works constructed, erected or set up at any time at the charge of the Municipal Fund or at the charge of the funds of any local authority having jurisdiction in any part of the City before the appointed day upon any premises not belonging to the Corporation and otherwise than for the sole use and benefit of the premises or group of premises shall, unless the Corporation has otherwise determined, vest in the Corporation.

171. (*1*) It shall not be lawful newly to erect any building, or to re-erect any building, or to occupy any building newly erected or re-erected unless and until— New building not to be erected without drains.

(*a*) a drain be constructed of such size, material and description, at such level and with such fall as shall appear to the Commissioner to be necessary for the effectual drainage of such building;

(*b*) there have been provided for and set up in such building and in the premises appurtenant thereto, all such appliances and fittings as may appear to the Commissioner to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said premises, and of effectually flushing the drain of the said building and every fixture connected therewith.

(*2*) The drain to be constructed as aforesaid shall empty into a municipal drain or into some place legally set apart for the discharge of drainage situated at a distance not exceeding one hundred feet from the premises in which such building is situated; but if no such drain or place is within that distance then such drain shall empty into such cesspool as the Commissioner directs.

172. Every owner of a drain connected with a municipal drain or other place legally set apart for the discharge of drainage shall be bound to allow the use of it to others, or to admit other persons as joint owners thereof, on such terms as may be prescribed under section 173. Obligation of owners of drains to allow use or joint ownership to others.

173. (*1*) Any person desiring to drain his premises into a municipal drain through a drain of which he is not an owner, may make a private arrangement with the owner for permitting his use of the drain, or may apply to the Commissioner for authority to use such drain or to be declared joint owner thereof. How right of use or joint ownership of a drain may be obtained by a person other than the owner.

(*2*) Where the Commissioner is of opinion, whether on receipt of such application or otherwise, that the only, or the most convenient, means by which the owner or occupier of any premises can cause the drain of such premises to empty into a municipal drain or other place legally set apart for the discharge of drainage is through a drain communicating with such municipal drain or place aforesaid but belonging to some person other than the said owner or occupier, the Commissioner, after giving the owner of the drain a reasonable opportunity of stating any objection thereto, may, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, either authorize the said owner or occupier to use the drain or declare him to be a joint owner thereof, on such conditions as to the payment of rent or compensation and as to connecting the drain of the said premises with the communicating drain and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleansing and emptying the joint drain, or otherwise, as may appear to him equitable.

(*3*) Every such order bearing the signature of the Commissioner shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving or tendering to the owner of the drain the compensation or rent specified in the said order and otherwise fulfilling, as far as possible, the conditions of the said order, and after giving to the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in which the said drain is situate with assistants and workmen, at any

time between sunrise and sunset, and, subject to all provisions of this Act, to do all such things as may be necessary for—

(*a*) connecting the two drains; or

(*b*) renewing, repairing or altering the connection; or

(*c*) discharging any responsibility attaching to the person in whose favour the Commissioner's order is made for maintaining, repairing, flushing, cleansing or emptying the joint drain or any part thereof.

(*4*) In respect of the execution of any work under sub-section (*3*) the person in whose favour the Commissioner's order is made shall be subject to the same restrictions and liabilities which are specified in sub-section (*4*) of section 162.

Sewage and rain water drains to be distinct.

174. Whenever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, the Commissioner may require that there shall be one drain for sullage, excrementitious matter and polluted water and another and an entirely distinct drain for rainwater and unpolluted sub-soil water or for both rainwater and unpolluted sub-soil water, each emptying into separate municipal drains or other places legally set apart for the discharge of drainage or other suitable places.

Affixing of pipes for ventilation of drains, etc.

175. (*1*) For the purpose of ventilating any drain or cesspool, whether belonging to the Corporation or to any other person, the Commissioner may erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as shall appear to the Commissioner necessary and cut through any projection from any building including the eaves of any roof thereof in order to carry up such shaft or pipe through any such projection and lay in, through, or under any land such appliances as may in the opinion of the Commissioner be necessary for connecting such ventilating shaft or pipe with the drain or cesspool intended to be ventilated.

(*2*) Such shaft or pipe shall be erected or affixed or removed in the manner laid down in the rules.

(*3*) If the Commissioner declines to remove a shaft or pipe under the rules, the owner of the premises, building or tree, upon or to which the same has been erected or affixed, may apply to the Judge, within fifteen days of the receipt by him of the reply of the Commissioner.

(*4*) Where the owner of any building or land cut through, opened or otherwise dealt with under sub-section (*1*) is not the owner of the drain or cesspool intended to be ventilated, the Commissioner shall, so far as is practicable, reinstate and make good such building, and fill in and make good such land, at the charge of the Municipal Fund.

Disposal of Sewage.

Appointment of places for emptying of drains and disposal of sewage.

176. The Commissioner may cause all or any municipal drains to empty into any place, whether within or without the City, and dispose of the sewage at any place whether within or without the City, and in any manner which he shall deem suitable for such purpose:

Provided that—

(*a*) the Commissioner shall not cause any municipal drain to empty into any place into which a municipal drain has not heretofore emptied, or dispose of

sewage at any place or in any manner at or in which sewage has not heretofore been disposed of, without the sanction of the Corporation;

(*b*) no municipal drain shall be made to empty into any place, and no sewage shall be disposed of at any place or in any manner which the Provincial Government shall think fit to disallow.

177. The Commissioner may, for the purpose of receiving, treating, storing, disinfecting, distributing or otherwise disposing of sewage, construct any work within or without the City or purchase or take on lease any land, building, engine, material or apparatus either within or without the City or enter into any arrangement with any person for any period not exceeding twenty years for the removal or disposal of sewage within or without the City. Provision of means for disposal of sewage.

Water-closets, Privies, Urinals, etc.

178. (*1*) It shall not be lawful to construct any water-closet or privy for any premises except with the written permission of the Commissioner and in accordance with such terms not being inconsistent with any rule or by-law for the time being in force as he may prescribe. Construction of water-closets and privies.

(*2*) In prescribing any such terms the Commissioner may determine in each case—

(*a*) whether the premises shall be served by the water-closet or by the privy system, or partly by one and partly by the other; and

(*b*) what shall be the site or position of each water-closet or privy.

(*3*) If any water-closet or privy is constructed on any premises in contravention of sub-section (*1*), the Commissioner may, after giving not less than ten days' notice to the owner or occupier of such premises, close such water-closet or privy, and alter or demolish the same, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or occupier or by the person offending.

179. (*1*) It shall not be lawful to erect or to re-erect or convert within the meaning of section 253 any building for, or intended for, human habitation, or at or in which labourers or workmen are to be employed, without such water-closet or privy accommodation, and such urinal accommodation and accommodation for bathing or for the washing of clothes and domestic utensils of such building as the Commissioner may prescribe. Water-closets and other accommodation in buildings newly erected or re-erected.

(*2*) In prescribing any such accommodation the Commissioner may determine in each case—

(*a*) whether such building or work shall be served by the water-closet or by the privy system, or partly by one and partly by the other;

(*b*) what shall be the site or position of each water-closet, privy, urinal or bathing or washing place and their number.

(*3*) In determining the accommodation to be required under sub-section (*2*) the Commissioner shall have regard to the necessity of providing adequate and suitable water-closets or privies and bathing places for domestic servants employed by the occupants of the building.

180. The Commissioner shall provide and maintain in proper and convenient situations water-closets, latrines, privies and urinals and other similar conveniences for public accommodation. Public necessaries

Inspection.

Drains, etc., not belonging to Corporation to be subject to inspection and examination.

181. (*1*) All drains, ventilation shafts and pipes, cess-pools, house-gullies, water-closets, privies, latrines and urinals and bathing and washing places which do not belong to the Corporation, or which have been constructed, erected or set up at the charge of the Municipal Fund on premises not belonging to the Corporation, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by the Commissioner.

(*2*) The Commissioner may, in the course of an inspection or examination under sub-section (*1*), obtain and take away a sample of any trade effluent which is passing from the premises inspected or examined into a municipal drain. The analysis of such sample shall be made in the manner prescribed by the rules.

(*3*) The results of any analysis of a sample taken under sub-section (*2*) shall be admissible as evidence in any legal proceedings under this Act.

Power to open ground, etc., for purposes of inspection and examination.

182. For the purpose of such inspection and examination, the Commissioner may cause the ground or any portion of any drain or other work exterior to a building, or any portion of a building, which he shall think fit, to be opened, broken up or removed.

Expenses of inspection and examination.

183. (*1*) If upon any such inspection and examination as aforesaid, it shall be found that the drain, ventilation shaft or pipe, cess-pool, house-gully, water-closet, privy, latrine or urinal or bathing or washing place examined is in proper order and condition, and that none of the provisions of this Act or of the rules or by-laws or any other enactment for the time being in force has been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon, the ground or portion of any building, drain or other work, if any, opened, broken up or removed for the purpose of such inspection and examination shall be filled in, reinstated and made good by the Commissioner.

(*2*) If it shall be found that any drain, ventilation-shaft or pipe, cess-pool, house-gully, water-closet, privy, latrine or urinal or bathing or washing place so examined is not in good order or condition, or has been repaired, changed, altered or encroached upon, or, except when the same has been constructed by or under the order of the Commissioner, if it has been constructed in contravention of any of the provisions of this Act or the rules or by-laws or of any enactment for the time being in force the expenses of the inspection and examination shall be paid by the owner of the premises, and the said owner shall fill in, reinstate and make good the ground, or portion of any building, drain or other work opened, broken up or removed for the purpose of such inspection and examination, at his own cost.

Commissioner may require repairs, etc., to be made.

184. (*1*) When the result of such inspection and examination as aforesaid is as described in sub-section (*2*) of section 183 the Commissioner may—

(*a*) by written notice require the owner of the premises or the several owners of the respective premises in which the drain, ventilation-shaft or pipe, cess-pool, house-gully, water-closet, privy, latrine, urinal or bathing or washing place is situated or for the benefit of which the same has been constructed, erected or set up,—

(*i*) to close or remove the same or any encroachment thereupon or, subject to the proviso to clause (*c*) of sub-section (*1*) of section 186, to remove any projection over the same, or

(*ii*) to renew, repair, cover, recover, trap, ventilate, flush, pave and pitch or take such other order to keep the same in working condition by effecting such other works as he shall think fit to direct and to fill in, reinstate and make good the ground, building, or thing opened, broken up or removed for the purpose of such inspection and examination; and

(*b*) without notice, close, fill up or demolish any drain by which sullage or sewage is carried through, from, into or upon any premises in contravention of any of the provisions of this Act or the rules or by-laws, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or owners.

(*2*) Any requisition under clause (*a*) of sub-section (*1*) in respect of any drain which has been constructed, erected or set up, or which is continued for the sole use and benefit of a property or for the exclusive use and benefit of two or more properties, may include any extension thereof beyond such property or properties if and so far as such extension has been constructed, erected or set up, or is continued, for the sole use and benefit of such property or properties.

185. In the case of any drain which has been constructed, erected or fixed, or which is continued, for the exclusive use and benefit of two or more premises and which is not— Cost of inspection and execution of works in certain cases.

(*a*) a drain constructed under sub-section (*1*) of section 167, or

(*b*) a drain in respect of which conditions as to the respective responsibilities of the parties have been declared under sub-section (*2*) of section 173,

the expenses of any inspection and examination made by the Commissioner under section 181 and of the execution of any work required under section 184, whether executed under section 188 or not, shall be paid by the owners of such premises, in such proportions, as shall be determined by the Commissioner.

General Provisions.

186. (*1*) No person shall— Prohibition of acts contravening the provisions of the Act, rules or by-laws or done without sanction.

(*a*) in contravention of any of the provisions of this Act or rules or by-laws or of any notice issued or direction given under this Act or without the written permission of the Commissioner, in any way alter the fixing, disposition or position of; or construct, erect, set up, renew, rebuild, remove, obstruct, stop up, destroy or change, any drain, ventilation-shaft or pipe, cess-pool, water-closet, privy, latrine or urinal or bathing or washing place or any trap, covering or other fitting or appliance connected therewith;

(*b*) without the written permission of the Commissioner, renew, rebuild or unstop any drain, ventilation-shaft or pipe, cess-pool, water-closet, privy, latrine or urinal or bathing or washing place, or any fitting or appliance, which has been, or has been ordered to be, discontinued, demolished or stopped up under any of the provisions of this Act or the rules or by-laws;

(*c*) without the written permission of the Commissioner, make any projection over or encroachment upon, or in any way injure or cause or permit to be injured, any drain, cess-pool, house-gully, water-closet, privy, latrine or urinal or bathing or washing place:

Provided that nothing in this clause shall apply to any weather-shade in width not exceeding two feet over any window which does not front a wall or window of an adjoining house;

(*d*) drop, pass or place, or cause or permit to be dropped, passed or placed, into or in any drain, any brick, stone, earth, ashes, dung or any substance or matter which is likely to injure the drain or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of its contents;

(*e*) pass, or permit or cause to be passed, into any drain provided for a particular purpose any matter or liquid for the conveyance of which such drain has not been provided;

(*f*) except as provided by or under this Act cause or suffer to be discharged into any drain any chemical refuse or waste steam or any liquid of a temperature higher than one hundred and twenty degrees Fahrenheit, being refuse or steam which when so treated is, either along or in combination with the contents of the drain, dangerous or the cause of a nuisance or prejudicial to health;

(*g*) cause or suffer to be discharged into any drain, carbide of calcium or any such crude petroleum, any such oil made from petroleum, coal, shale or bituminous substances, or such product of petroleum or mixture containing petroleum as gives off under test an inflammable vapour at a temperature of less than seventy-three degrees Fahrenheit.

(*2*) If the person carrying out any work or doing any act in contravention of any of the clauses of sub-section (*1*) is not at the time of the notice the owner of such building or work, then the owner of such building or work shall be deemed to have been responsible for carrying out all such requisitions in the same way as the person so carrying out would have been liable.

Water closets etc., not to be injured or improperly fouled.

187. (*1*) No person shall injure or foul any water-closet, privy, urinal or bathing or washing place or any fittings or appliances in connection therewith which have been provided for the use in common of the inhabitants of one or more buildings.

(*2*) If any such water-closet, privy, urinal or bathing or washing place or any fitting or appliance in connection therewith or the approaches thereto or the walls, floors or seats or anything used in connection therewith are in such a state as to be a nuisance or source of annoyance to any inhabitant of the said building or buildings or to any inhabitant of the locality or passer-by for want of proper cleaning thereof, such of the persons having the use thereof as may be in default or, in the absence of evidence as to which of the persons having the use thereof in common is in default, every such person shall be deemed to have contravened the provisions of this section.

(*3*) The provisions of this section shall not exempt the owner of the building or buildings from any penalty to which he may otherwise have rendered himself liable.

Commissioner may execute certain works under this Act without allowing option to persons concerned of executing the same.

188. (*1*) The Commissioner may, if he thinks fit, cause any work described in this Chapter or in Chapter IX of the Schedule to be executed by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

(*2*) The expenses of any work so done shall be paid by the person aforesaid, unless the Corporation shall by a general or special order or resolution sanction, as it is hereby empowered to sanction, the execution of such work at the charge of the Municipal Fund.

CHAPTER XIII.

WATER SUPPLY.

Construction and maintenance of municipal water works.

189. (*1*) When the Commissioner has given public notice under clause (*b*) of sub-section (*1*) of section 130 that the Corporation has arranged to supply water to any portion of the City from municipal water works by means of private water connections or of public stand-posts or by any other means, it shall be incumbent on him to take all such measures as may be practicable to ensure that a sufficient supply is available for meeting the reasonable requirements of the residents of such portion of the City. Water supply.

(*2*) For the purposes of carrying out the obligation imposed by sub-section (*1*) and of providing the City with a supply of water proper and sufficient for public and private purposes, the Commissioner may with the approval of the Corporation—

(*a*) construct, maintain in good repair, alter, improve and extend water-works either within or without the City, and do any other necessary acts;

(*b*) purchase or take on lease any water-work or any water or right to store or to take and convey water either within or without the City;

(*c*) enter into an arrangement with any person for a supply of water.

(*3*) All municipal water-works shall be managed by the Commissioner.

190. Any person appointed by the Provincial Government in this behalf shall at all reasonable times have liberty to enter upon and inspect any municipal water work. Inspection of municipal water works by persons appointed by Provincial Government.

191. The Commissioner and any person appointed by the Provincial Government under section 190 in this behalf may, for the purpose of inspecting or repairing or executing any work in, upon or in connection with any municipal water-works, at all reasonable times— Power of access to municipal water-works.

(*a*) enter upon and pass through any land, within or without the City, adjacent to or in the vicinity of such water-works, in whomsoever such land may vest;

(*b*) cause to be conveyed into and through any such land all necessary men, materials, tools and implements.

192. (*1*) For the purpose of carrying, renewing and repairing water-mains, pipes and ducts within or without the City, the Commissioner shall have the same powers and be subject to the same restrictions as he has and is subject to under the provisions hereinbefore contained for carrying, renewing and repairing drains within the City. Power of carrying water-mains, etc.

(*2*) This section shall apply in respect of carrying, renewing and repairing private water-mains, pipes and ducts as it applies in respect of carrying, renewing and repairing municipal water-mains, pipes and ducts.

193. The Commissioner shall cause fire-hydrants and all necessary works, machinery and assistance for supplying water in case of fire to be provided and maintained and shall have painted or marked on the buildings and walls or in some other conspicuous manner, within the streets, words or marks near to such hydrants to denote the situation thereof, and shall cause a hydrant-key to be deposited at each place within the City where a municipal fire-engine is kept, and do such other things for the purpose aforesaid as he shall deem expedient. Fire-hydrants to be provided.

Prohibition of certain acts affecting the municipal water-works.

194. (*1*) Except with the permission of the Corporation, no person shall—

(*a*) erect any building for any purpose whatever on any part of such area as shall be demarcated by the Commissioner surrounding any lake, tank, well, or reservoir from which a supply of water is derived for a municipal water-work ;

(*b*) remove, alter, injure, damage or in any way interfere with the demarcation works of the area aforesaid ;

(*c*) extend, alter or apply to any purpose different to that to which the same has been heretofore applied, any building already existing within the area aforesaid ; or

(*d*) carry on, within the area aforesaid, any operation of manufacture, trade or agriculture in any manner, or do any act whatever, whereby injury may arise to any such lake, tank, well or reservoir or to any portion thereof or whereby the water of any such lake, tank, well or reservoir may be fouled or rendered less wholesome.

(*2*) Except as hereinafter provided, no person shall—

(*a*) cause or suffer to percolate or drain into or upon any municipal water-work or to be brought thereinto or thereupon anything, or to be done any act, whereby the water therein may be in any way fouled or polluted or its quality altered ;

(*b*) alter the surface of any municipal land adjacent to or forming part of any such work by digging thereinto or depositing thereon any substance ;

(*c*) cause or suffer to enter into the water in such work any animal ;

(*d*) throw or put anything into or upon the water in such work ;

(*e*) bathe in or near such work ; or

(*f*) wash or cause to be washed in or near such work any animal or thing.

Buildings, etc., not to be erected over municipal water-main without permission.

195. (*1*) Without the written permission of the Commissioner, no building, wall or structure of any kind shall be newly erected or re-erected and no street or minor railway shall be constructed, over any municipal water-main.

(*2*) If any building, wall or structure be so erected or re-erected or any street or minor railway be so constructed, the Commissioner may, with the approval of the Standing Committee, cause the same to be removed or otherwise dealt with as to him shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

Public Gratuitous Water-Supply.

Vesting of public drinking fountains, etc., in the Corporation.

196. (*1*) All existing public drinking fountains, tanks, reservoirs, cisterns, pumps, wells, ducts and works for the supply of water for the gratuitous use of the inhabitants of the City shall vest in the Corporation and be under the control of the Commissioner.

(*2*) The Commissioner may maintain the said works and provide them with water, and when authorised by the Corporation in this behalf may construct any other such works for supplying water for the gratuitous use of the inhabitants of the City :

Provided that water carried away by any of the inhabitants from any such work shall be taken only for personal or domestic purposes and not for the purpose of business or sale and shall not, except with the written permission of the Commissioner, be carried away in a cask, cart, pakhal or masak.

(*3*) The Commissioner may temporarily, and with the approval of the Corporation permanently close any of the said works either entirely or partially.

(*4*) If any such work is permanently closed either entirely or partially by the Commissioner the site thereof, or of the portion thereof which is so closed, and the materials of the same may be disposed of as the property of the Corporation :

Provided that if any such work which is permanently closed, either entirely or partially, was a gift to the public by some private person, the said site and materials or the proceeds of the sale thereof shall, unless by reason of their value being insignificant or for other sufficient reason the Corporation thinks fit to direct otherwise, be applied to or towards some local work of public utility bearing the name of such person, or to or towards any such local work which shall be approved by the Corporation and by the heirs or other representatives, if any, of the said person.

Public drinking fountains, etc., may be set apart for particular purposes.

197. (*1*) The Commissioner may assign and set apart each of the said works and the water therein for use by the public for such purpose only as he shall think fit, and shall cause to be indicated, by a notice affixed on a conspicuous spot on or near each such work, the purpose for which the same is so assigned and set apart.

(*2*) No person shall make use of any such work or of any water therein for any purpose other than the purpose for which the same has been so assigned or set apart.

Private Water Supply.

Conditions as to use of water not to be contravened.

198. No person to whom water is supplied by measurement or according to the size of the connection or on payment of a fixed periodical sum shall contravene any condition prescribed under sub-section (*2*) of section 134 for the use of such water, or permit any such condition to be contravened.

Water pipes etc., not to be placed where water will be polluted.

199. No water-pipes shall be laid in a drain or on the surface of an open channel or house-gully or within twenty feet of a cesspool, or in any position where the pipe is likely to be injured or the water therein polluted and no well or tank and, except with the consent of the Commissioner, no cistern shall be constructed within twenty feet of a privy, water-closet or cesspool.

Prohibition of fraudulent and unauthorised use of water.

200. (*1*) No person shall fraudulently dispose of any water supplied to him by the Corporation.

(*2*) No person to whom a private supply of water is furnished by the Corporation shall, except when the water supplied is charged for by measurement, permit any person who does not reside on premises in respect of which water-tax is paid to carry away water from the premises to which it is supplied.

(*3*) No person who does not reside on premises in respect of which water-tax is paid shall carry away water from any premises to which a private supply is furnished by the Corporation, unless, in any case in which such supply is charged for by measurement, he does so with the permission of the person to whom such supply is furnished.

General.

Power to supply water without the City.

201. The Commissioner may supply water from a municipal water work to any local authority or person without the City on such terms as to payment and as to the period and conditions of supply as shall be, either generally or specially, approved by the Corporation.

CHAPTER XIV.

STREETS.

Construction, Maintenance and Improvement of Streets.

Vesting of public streets in Corporation.

202. All streets within the City being, or which at any time become, public streets, except streets which on the appointed day vested in the Crown or which after the said day may be constructed and maintained by an authority other than the Corporation, and the pavements, stones and other materials thereof shall vest in the Corporation and be under the control of the Commissioner.

Power of Commissioner in respect of public streets.

203. (*1*) The Commissioner shall from time to time cause all public streets vested in the Corporation to be levelled, metalled or paved, channelled, altered and repaired, as occasion shall require, and may also from time to time widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered and may place and keep in repair fences and posts for the safety of pedestrians:

Provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed five thousand rupees or such higher amount as the Corporation may from time to time fix, shall be undertaken by the Commissioner unless or until such undertaking has been authorised by the Corporation.

(*2*) With the sanction of the Corporation the Commissioner may permanently close the whole or any part of a public street vested in the Corporation:

Provided that such sanction of the Corporation shall not be given unless, one month at least before the meeting at which the matter is decided, a notice signed by the Commissioner has been put up in the street or part of a street which it is proposed to close, informing the residents of the said proposal, nor until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting have been received and considered by the Corporation.

Disposal of land forming site of closed streets.

204. Whenever any public street, or part of a public street, is permanently closed under section 203, the site of such street, or of the portion thereof which has been closed, may be disposed of as land vesting in the Corporation, subject to the previous sanction of the Provincial Government.

Power to make new public streets.

205. The Commissioner, when authorised by the Corporation in this behalf, may at any time—

(*a*) lay out and make a new public street;

(*b*) agree with any person for the making of a street for public use through the land of such person, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the Corporation, and that such street shall become, on completion, a public street, which shall vest in the Corporation;

(*c*) construct bridges and sub-ways;

(*d*) divert or turn an existing public street vested in the Corporation or a portion thereof.

206. (*1*) The Corporation shall from time to time with the sanction of the Provincial Government specify the minimum width for different classes of public streets according to the nature of the traffic likely to be carried thereon, the localities in which they are situated, the heights up to which buildings abutting thereon may be erected and other similar considerations. **Minimum width of new public streets.**

(*2*) The width of a new public street made under section 205 shall not be less than that prescribed under sub-section (*1*) for the class to which it belongs, and no steps and, except with the written permission of the Commissioner under section 227, no other projections shall extend on to any such street.

207. The Commissioner when authorized by the Corporation in this behalf, may agree with any person— **Power to adopt, construct or alter any sub-way, bridge, etc.**

(*a*) to adopt and maintain any existing or projected sub-way, bridge, viaduct or arch, and the approaches thereto, and may accordingly adopt and maintain such sub-way, bridge, viaduct or arch and approaches as parts of public streets, or as property vesting in the Corporation, or

(*b*) for the construction or alteration of any such sub-way, bridge, viaduct or arch or for the purchase or acquisition of any adjoining land required for the foundations and support thereof or for the approaches thereto, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the Corporation.

208. (*1*) It shall be lawful for the Commissioner with the sanction of the Corporation to— **Power to prohibit use of public streets for certain kinds of traffic.**

(*a*) prohibit vehicular traffic in any particular public street vesting in the Corporation so as to prevent danger, obstruction or inconvenience to the public by fixing up posts at both ends of such street or portion of such street;

(*b*) prohibit in respect of all public streets, or particular public streets, the transit of any vehicle of such form, construction, weight or size or laden with such heavy or unwieldy objects as may be deemed likely to cause injury to the roadways or any construction thereon, or risk or obstruction to other vehicles or to pedestrians along or over such street or streets, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants, and other general precautions and the payment of special charges as may be specified by the Commissioner generally or specially in each case.

(*2*) Notices of such prohibitions as are imposed under sub-section (*1*) shall be posted up in conspicuous places at or near both ends of the public streets or portions thereof to which they relate, unless such prohibitions apply generally to all public streets.

209. (*1*) The Commissioner may, subject to the provisions of sections 77, 78 and 79— **Power to acquire premises for improvement of public streets**

(*a*) acquire any land required for the purpose of opening, widening, extending, diverting or otherwise improving any public street, bridge or sub-way or of making any new public street, bridge or sub-way and the buildings, if any, standing upon such land;

(*b*) acquire in addition to the said land and the buildings, if any, standing thereupon, all such land with the buildings, if any, standing thereupon, as it shall seem expedient for the Corporation to acquire outside of the regular line, or of the intended regular line, of such street;

(*c*) lease, sell or otherwise dispose of any land or building purchased under clause (*b*).

(*2*) The acquisition of land for providing, extending or improving a place for the parking of vehicles shall be deemed to be acquisition of land for the purpose of providing, extending or improving a public street.

(*3*) Any conveyance of land or of a building under clause (*c*) of sub-section (*1*) may comprise such conditions as the Commissioner thinks fit, as to the removal of the existing building, the description of new building to be erected, the period within which such new building shall be completed and other such matters.

Power to prescribe street lines.

210. (*1*) The Commissioner may,

(*a*) prescribe a line on one or both sides of any public street :

Provided that every regular line of a public street operative under any law for the time being in force in any part of the City on the day immediately preceding the appointed day shall be deemed to be a street line for the purposes of this Act until a street line is prescribed by the Commissioner under this clause ;

(*b*) from time to time, but subject in each case to the previous approval of the Standing Committee, prescribe a fresh line in substitution for any line so prescribed or for any part thereof :

Provided that such approval shall not be accorded unless, at least one month before the meeting of the Standing Committee at which the matter is decided, public notice of the proposal has been given by the Commissioner by advertisement in the local newspapers and special notice thereof, signed by the Commissioner, has also been put up in the street or part of the street for which such fresh line is proposed to be prescribed and until the Standing Committee has considered all objections to the said proposal made in writing and delivered at the office of the Municipal Secretary not less than three clear days before the day of such meeting.

(*2*) The line for the time being prescribed shall be called "the regular line of the street".

(*3*) A register with plans attached shall be kept by the Commissioner showing all public streets in respect of which a regular line of the street has been prescribed and such register shall contain such particulars as to the Commissioner may appear to be necessary and shall be open to inspection by any person upon payment of such fee as may from time to time be prescribed by the Standing Committee.

(*4*) (*a*) Subject to the provisions of sub-section (*5*) no person shall construct or reconstruct any portion of any building on land within the regular line of the street except with the written permission of the Commissioner and in accordance with the conditions imposed therein and the Commissioner shall in every case in which he gives such permission, at the same time, report his reasons in writing to the Standing Committee.

(*b*) No person shall construct or reconstruct any boundary wall or a portion of a boundary wall within the regular line of the street except with the written permission of the Commissioner :

Provided that if, within sixty days after the receipt of an application from any person for permission to construct or reconstruct a boundary wall or a portion thereof, the Commissioner fails to acquire the land within the regular line of the street under section 213 the said person may, subject to any other provisions of this Act or the rules or bylaws, proceed with the work of construction or reconstruction of such boundary wall or a portion thereof, as the case may be.

(*5*) (*a*) When the Commissioner grants permission under clause (*a*) of sub-section (*4*) for the construction or reconstruction of any building on land within the regular line of the street he may require the owner of the building to execute an agreement binding himself and his successors in title not to claim compensation in the event of the Commissioner at any time thereafter calling upon him or any of his successors by written notice to remove any work carried out in pursuance of such permission or any portion thereof and to pay the expenses of such removal if, in default, such removal is carried out by the Commissioner.

(*b*) The Commissioner may before granting such permission require the owner to deposit in the municipal office an amount sufficient in his opinion to cover the cost of removal and such compensation, if any, as may be payable to any successor in title or transferee of such building.

Setting back buildings to the regular line of the street.

211. (*1*) If any building or any part of a building abutting on a public street is within the regular line of the street, the Commissioner may, whenever it is proposed—

(*a*) to rebuild such building or to take down such building to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic feet; or

(*b*) to remove, reconstruct or make any addition to or structural alteration in any portion of such building which is within the regular line of the street,

in any order which he issues concerning the rebuilding, alteration or repair of such building, require such building to be set back to the regular line of the street.

(*2*) When any building or any part thereof within the regular line of the street falls down or is burnt down or is taken down, whether under the provisions of this Act or otherwise, the Commissioner may at once take possession on behalf of the Corporation of the portion of land within the regular line of the street theretofore occupied by the said building and, if necessary, clear the same.

(*3*) Land acquired under this section shall thenceforward be deemed a part of the public street and shall vest, as such, in the Corporation.

Additional power of Commissioner to order setting back of buildings to regular line of street.

212. (*1*) If any building or any part thereof is within the regular line of a public street and if, in the opinion of the Commissioner, it is necessary to set back the building to the regular line of the street he may, if the provisions of section 211 do not apply, by written notice—

(*a*) require the owner of such building to show cause within such period as is specified in such notice by a statement in writing subscribed by him or by an agent duly authorised by him in that behalf and addressed to the Commissioner, why such building or any part thereof which is within the regular line of the street shall not be pulled down and the land within the said line acquired by the Commissioner; or

(*b*) require the said owner on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf and show cause why such building or any part thereof which is within the regular line of the street shall not be pulled down and the land within the said line acquired by the Commissioner.

(*2*) If such owner fails to show sufficient cause to the satisfaction of the Commissioner why such building or any part thereof, which is within the regular line of the street shall not be pulled down and the land within the said line acquired as aforesaid the Commissioner may, with the approval of the Standing Committee,

require the owner by a written notice, to pull down the building or the part thereof which is within the regular line of the street within such period as is prescribed in the notice.

(*3*) If within such period the owner of such building fails to pull down such building or any part thereof coming within the said line, the Commissioner may pull down the same and all the expenses incurred in so doing shall be paid by the owner.

(*4*) The Commissioner shall at once take possession on behalf of the Corporation of the portion of the land within the said line theretofore occupied by the said building, and such land shall thenceforward be deemed a part of the public street and shall vest as such in the Corporation.

(*5*) Nothing in this section shall be deemed to apply to buildings vesting in the Crown.

Acquisition of open land or of land occupied by platforms, etc., within regular line of street.

213. If any land not vesting in the Corporation, whether open or enclosed, lies within the regular line of a public street and is not occupied by a building, or if a platform, verandah, step, compound wall, hedge or fence or some other structure external to a building, abutting on a public street or a portion of a platform, verandah, step, compound wall, hedge or fence or other such structure, is within the regular line of such street, the Commissioner may, after giving to the owner of the land or building not less than seven clear days' written notice of his intention to do so, take possession on behalf of the Corporation of the said land with its enclosing wall, hedge or fence, if any, or of the said platform, verandah, step or other such structure as aforesaid or of the portion of the said platform, verandah, step or other such structure as aforesaid which is within the regular line of the street and, if necessary, clear the same and the land so acquired, shall thenceforward be deemed a part of the public street :

Provided that when the land or building is vested in the Crown, possession shall not be taken as aforesaid, without the previous sanction of the Government concerned and, when the land or building is vested in any Corporation constituted by any law for the time being in force, possession shall not be taken as aforesaid, without the previous sanction of the Provincial Government.

Acquisition of the remaining part of building and land after their portions within a regular line of the street are acquired.

214. (*1*) If a building or land is partly within the regular line of a public street and if the Commissioner is satisfied that the land remaining after the excision of the portion within the said line will not be suitable or fit for any beneficial use, he may, at the request of the owner, acquire such land in addition to the land within the said line and such surplus land shall be deemed to be a part of the public street vesting in the Corporation.

(*2*) Such surplus land may thereafter be utilised for the purpose of setting forward of buildings under section 215.

Setting forward of buildings to the line of the street.

215. (*1*) If any building which abuts on a public street is in rear of the regular line of such street, the Commissioner may, whenever it is proposed—

(*a*) to rebuild such building, or

(*b*) to alter or repair such building in any manner that will involve the removal or re-erection of such building, or of the portion thereof which abuts on the said street to an extent exceeding one-half of such building or portion thereof above the ground level, such half to be measured in cubic feet,

in any order which he issues concerning the rebuilding, alteration or repair of such building, permit or, with the approval of the Standing Committee, require such building to be set forward to the regular line of the street.

(*2*) For the purpose of this section, a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed to be a sufficient compliance with a permission or requisition to set forward a building to the regular line of a street if a wall of such materials and dimensions as are approved by the Commissioner, is erected along the said line.

216. (*1*) Compensation shall be paid by the Commissioner to the owner of any building or land required for a public street under section 211, 212, 213 or 214 for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of the order made by the Commissioner:

Compensation to be paid and betterment charges to be levied.

Provided that—

(*i*) any increase or decrease in the value of the remainder of the property of which the building or land so acquired formed part likely to accrue from the set-back to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation;

(*ii*) if any such increase in value exceeds the amount of loss sustained or expenses incurred by the said owner, the Commissioner may recover from such owner half the amount of such excess as a betterment charge.

(*2*) If, in consequence of an order to set forward a building made by the Commissioner under section 215, the owner of such building sustains any loss or damage, compensation shall be paid to him by the Commissioner for such loss or damage after taking into account any increase in value likely to accrue from the set-forward.

(*3*) If the additional land which will be included in the premises of any person required or permitted under section 215 to set forward a building belongs to the Corporation, the order or permission of the Commissioner to set forward the building shall be sufficient conveyance to the said owner of the said land; and the price to be paid to the Corporation by the said owner for such additional land and the other terms and conditions of the conveyance shall be set forth in the said order or permission.

(*4*) If, when the Commissioner requires a building to be set forward, the owner of the building is dissatisfied with the price fixed to be paid to the Corporation or any of the other terms or conditions of the conveyance, the Commissioner shall, upon the application of the said owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for the determination of the Judge

Provisions regarding Private Streets.

217. Every person who intends—

Notice to be given to Commissioner of intention to lay out lands for building and for private streets.

(*a*) to sell or let on lease any land subject to a covenant or agreement on the part of a purchaser or lessee to erect buildings thereon,

(*b*) to divide land (whether unbuilt or partly built) into building plots,

(*c*) to use any land or a portion thereof or permit the same to be used for building purposes, or

(*d*) to make or lay out a private street, whether it is intended to allow the public a right of passage or access over such street or not,

shall give written notice of his intention to the Commissioner and shall, along with such notice, submit plans and sections, showing the situation and boundaries of such building land and the site of the private street (if any) and also the situation and boundaries of all other lands of such person of which such building land or site forms a part and the intended development, laying out and plotting of such building land including the dimensions and area of each building plot and also the intended level, direction, width, means of drainage, paving, metalling and lighting of such private street, the provisions for planting and rearing of trees beside such private street, and the height and means of drainage and ventilation of the building or buildings proposed to be erected on the land, and if any building when erected will not abut on a street then already existing or then intended to be made as aforesaid, the means of access from and to such building and the manner of paving, metalling, draining and lighting of such means of access.

Commissioner may call for further particulars.

218. If any notice under section 217 does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case or if any such notice given for any of, or all the purposes mentioned in clause (*a*), (*b*) or (*c*) of the said section does not contain any proposal or intention to make or lay out a private street, he may, at any time within thirty days after receipt of the said notice, by written notice require the person who gave the said notice—

(*a*) to furnish the required information together with all or any of the documents specified in the rules, or

(*b*) to revise any or all the schemes submitted under the said clause (*a*), (*b*) or (*c*) so as to provide for the making or laying out of a private street or private streets of such width or widths as he may specify in addition to or in substitution of any means of access proposed to be provided in such scheme or schemes and to furnish such further information and documents relating to the revised scheme or schemes as he may specify.

Commissioner may require plans to be prepared by licensed surveyor.

219. The Commissioner may decline to accept any plan, section or description as sufficient for the purposes of section 217 or 218 which does not bear the signature of a licensed surveyor in token of its having been prepared by such surveyor or under his supervision.

Laying out of land, dimensions and area of each building plot laying out of private streets and buildings and heights of buildings to be determined by Commissioner.

220. (*1*) The laying out of land for building, the dimensions and area of each building plot, the level, direction, width and means of drainage of every private street, the kind and number of trees to be planted and reared beside such streets and the height and means of drainage and ventilation of and access to all buildings to be erected on such land or on either side of such street shall be fixed and determined by the Commissioner subject to such general directions as the Standing Committee may give in this behalf from time to time with the general object of securing sanitary conditions, amenity and convenience in connection with the laying out and use of the land and of any neighbouring lands, and also with the object that the proposed private street may not conflict with any arrangements which have been made or which are, in the opinion of the Commissioner, likely to be made for carrying out any general scheme of new streets or of improvements of existing streets in the locality:

Provided that if, within sixty days after the receipt by the Commissioner of any notice under section 217 or of the plans, sections, descriptions, scheme or further information, if any, called for under section 218, the disapproval by the Commissioner with regard to any of the matters aforesaid specified in such notice has not

been communicated to the person who gave the same, the proposals of the said person shall be deemed to have been approved by the Commissioner.

(*2*) When the Commissioner signifies in writing to the said person his approval of the said work under certain conditions or without any conditions, or when the said work is deemed to have been approved by the Commissioner as aforesaid, the said person may at any time within one year from the date of the delivery of the notice under section 217 to the Commissioner, proceed with the said work in accordance with the intention as described in the notice or in any of the documents aforesaid and in accordance with the conditions, if any, prescribed by the Commissioner, but not so as to contravene any of the provisions of this Act or any rule or by-law.

Land not to be appropriated for building and private street not to be laid out until expiration of notice nor otherwise than in accordance with Commissioner's directions.

221. (*1*) No person shall sell, let, use or permit the use of any land whether undeveloped or partly developed for building or divide any such land into building plots, or make or lay out any private street—

(*a*) unless such person has given previous written notice of his intention as provided in section 217 nor until the expiration of sixty days from delivery of such notice, nor otherwise than in accordance with such directions (if any) as may have been fixed and determined under sub-section (*1*) of section 220;

(*b*) after the expiry of the period of one year specified in sub-section (*2*) of section 220;

(*c*) unless such person gives written notice to the City Engineer of the date on which he proposes to proceed with any work which he is entitled to carry out and commences such work within seven days of the date mentioned in the notice.

(*2*) If any act be done or permitted in contravention of this section, the Commissioner may by written notice require any person doing or permitting such act—

(*a*) to show cause on or before such day as shall be specified in such notice by statement in writing subscribed by him in that behalf and addressed to the Commissioner, why the laying out, plotting, street or building contravening this section should not be altered to the satisfaction of the Commissioner, or, if that be in his opinion impracticable, why such street or building should not be demolished or removed or why the land should not be restored to the condition in which it was prior to the execution of the unauthorised work, or

(*b*) to attend personally or by an agent duly authorised by him in that behalf on such day and at such time and place as shall be specified in such notice and show cause as aforesaid.

(*3*) If such person shall fail to show cause to the satisfaction of the Commissioner why such street or building should not be so altered, demolished or removed or why such land should not be so restored, the Commissioner may cause the work of alteration, demolition, removal or restoration to be carried out and the expenses thereof shall be paid by the said person.

Renewal of notice of intention to carry out works not executed in pursuance of approval given under section 220.

222. If a person who is entitled to proceed with any work under section 220 fails so to do within the period of one year specified therein he may at any time give fresh notice of his intention to execute such work and such notice shall be treated as a new notice under section 217.

Levelling and draining of private streets and means of access.

223. If any private street or any other means of access to a building be not levelled, metalled, flagged or paved, sewered, drained, channelled, lighted or provided with trees for shade to the satisfaction of the Commissioner, he may, with the sanction of the Standing Committee, by written notice, require the owner or owners of the several premises fronting or adjoining the said street or other means of access or abutting thereon or to which access is obtained through such street or other means of access or which will benefit by works executed under this section to carry out any one or more of the aforesaid requirements in such manner as he shall direct.

Power to declare private streets when sewered, etc., public streets.

224. When any private street has been levelled, metalled, flagged or paved, sewered, drained, channelled and made good to the satisfaction of the Commissioner, he may and, upon the request of the owners or of any of the owners, of such street, shall, if lamps, lamp-posts and other apparatus necessary for lighting such street have been provided to his satisfaction and if all land revenue payable to the Provincial Government in respect of the land comprised in such street has been paid, declare the same to be a public street by notice in writing put up in any part of such street, and thereupon the same shall become a public street and vest in the Corporation as such:

Provided that no such street shall become a public street if, within one month after such notice has been put up, the owner of such street or the greater part thereof shall, by notice in writing to the Commissioner, object thereto.

Applicability of sections 223 and 224 when a street is in part public and in part private.

225. If a portion only of any street is a public street, the other portion of such street may for all purposes of sections 223 and 224 be deemed to be a private street.

Projections and Obstructions.

Prohibition of projections upon streets, etc.

226. (*1*) Except as provided in section 227, no person shall erect, set up, add to, or place against or in front of any premises any structure or fixture, which will—

(*a*) overhang, jut or project into, or in any way encroach upon, or obstruct in any way the safe or convenient passage of the public along, any street, or

(*b*) jut or project into or encroach upon any drain or open channel in any street, so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

(*2*) The Commissioner may, by written notice, require the owner or occupier of any premises to remove or to take such other order as he may direct with any structure or fixture which has been erected, set up, added to or placed against, or in front of, the said premises in contravention of this section or of any law in force in the City on the day immediately preceding the appointed day.

(*3*) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit in account with the owner of the premises for all reasonable expenses incurred by him in complying with the said notice.

(*4*) If any such structure or fixture as is described in sub-section (*1*) has been erected, set up, added to, or placed against or in front of any premises at any time before the first day of April 1901, the Commissioner may give notice as aforesaid to the owner or occupier of the said premises:

Provided that if in any such case the structure or fixture was lawfully erected, set up, added to or placed, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

227. (*1*) The Commissioner may give a written permission, on such terms as he shall in each case think fit, to the owner or occupier of any building abutting on any street— Projections over streets may be permitted in certain cases.

(*a*) to erect an arcade over such street or any portion thereof, or

(*b*) to put up a verandah, balcony, arch, connecting passage, sun-shade, weather-frame, canopy, awning, or other such structure or thing projecting from any storey over or across any street or portion thereof:

Provided that no permission shall be given by the Commissioner for the erection of an arcade in any public street in which the construction of arcades has not been generally sanctioned by the Corporation.

(*2*) The provisions of section 226 shall not be deemed to apply to any arcade, verandah, balcony, arch, connecting passage, sun-shade, weather-frame, canopy, awning or other structure or thing erected or put up under and in accordance with the terms of a permission granted under this section.

(*3*) The Commissioner may at any time by written notice require the owner or occupier of any building to remove a verandah, balcony, sun-shade, weather-frame or the like put up in accordance with the provisions of sub-section (*1*) and such owner or occupier shall be bound to take action accordingly but shall be entitled to compensation for the loss caused to him by such removal and the cost incurred thereon.

228. The Commissioner may at any time, by written notice, require the owner of any premises on the ground-floor of which any door, gate, bar or window opens outwards upon a street, or upon any land required for the improvement of a street, in such manner as, in the opinion of the Commissioner, to obstruct the safe or convenient passage of the public along such street, to have the said door, gate, bar or window altered so as not to open outwards. Ground floor doors, etc., not to open outwards on streets.

229. (*1*) No person shall, except with the permission of the Commissioner under section 227 or 234, erect or set up any wall, fence, rail, post, step, booth or other structure whether fixed or moveable and whether of a permanent or a temporary nature, or any fixture in or upon any street or upon or over any open channel, drain, well or tank in any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy, any portion of such street, channel, drain, well or tank. Prohibition of structures or fixtures which cause obstruction in streets.

(*2*) Nothing in this section shall be deemed to apply to any erection or thing to which clause (*c*) of sub-section (*1*) of section 239 applies.

230. (*1*) No person shall, except with the written permission of the Commissioner— Prohibition of deposit etc., of things in streets.

(*a*) place or deposit upon any street, or upon any open channel, drain or well in any street or in any public place any stall, chair, bench, box, ladder, bale or

other thing whatever so as to form an obstruction thereto or encroachment thereon;

(*b*) project, at a height of less than twelve feet from the surface of the street, any board or chair, beyond the line of the plinth of any building over any street, or over any open channel, drain, well or tank in any street;

(*c*) attach to, or suspend from, any wall or portion of a building abutting on a street, at a lower height than aforesaid anything whatever.

(*2*) Nothing in clause (*a*) of sub-section (*1*) applies to building materials.

Commissioner may, without notice, remove anything erected, deposited or hawked or exposed for sale in contravention of Act.

231. The Commissioner may, without notice, cause to be removed—

(*a*) any wall, fence, rail, post, step, booth or other structure whether fixed or moveable and whether of a permanent or a temporary nature, or any fixture which shall be erected or set up in or upon or over any street or upon or over any open channel, drain, well or tank contrary to the provisions of this Act after the appointed day;

(*b*) any stall, chair, bench, box, ladder, bale, board or shelf, or any other thing whatever placed, deposited, projected, attached, or suspended in, upon, from or to any place in contravention of this Act;

(*c*) any article whatsoever hawked or exposed for sale in a public place or in any public street in contravention of the provisions of this Act and any vehicle, package, box or any other thing in or on which such article is placed.

Power to require removal of any structure or fixture erected or set up before the appointed day.

232. The Commissioner may, by written notice, require the owner or occupier of any premises contiguous to, or in front of, or in connection with which any wall, fence, rail, post, step, booth or other structure or fixture, which it would be unlawful to erect or set up under this Act, has been erected or set up before the appointed day, to remove the said wall, fence, rail, post, step, stall or other structure or thing:

Provided that, if in any such case the structure or fixture shall have been lawfully erected or set up, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

Prohibition of tethering of animals in public streets.

233. (*1*) No person shall tether any animal or cause or permit the same to be tethered by any member of his family or household, in any public street.

(*2*) Any animal tethered as aforesaid may be removed by the Commissioner, or by any municipal officer or servant, and made over to a police officer, or may be removed by a police officer, who shall deal therewith as with an animal found straying.

Temporary Erections on Streets during Festivals.

Commissioner may permit booths, etc., to be erected on streets on festivals.

234. With the concurrence of the District Magistrate or such other officer as the District Magistrate may nominate in this behalf from time to time the Commissioner may grant a written permission for the temporary erection of a booth and any other such structure on any street on occasions of ceremonies and festivals.

Provisions concerning Execution of Works in or near to Streets.

235. Whenever the soil or pavement of any street is opened or broken up by or under the order of the Commissioner, or of any municipal officer or servant, for the execution of any work on behalf of the Corporation, the work on account of which the same shall have been opened or broken up shall be completed and the soil or pavement filled in, reinstated and made good with all convenient speed; and on completion of the work, the surplus of earth and materials, if any, excavated and all rubbish occasioned thereby shall be removed without delay.

Street when broken up for any municipal purposes to be restored without delay.

236. (*1*) The Commissioner may, whilst any such work as aforesaid or any work which may lawfully be executed in any street is in progress, direct that the said street shall be wholly or partially closed for traffic or for traffic of such description as he shall think fit; and shall set up in a conspicuous position an order prohibiting traffic to the extent so directed, and fix such bars, chains or posts across or in the street as he shall think proper for preventing or restricting traffic therein.

Commissioner may close street in which work is in progress.

(*2*) No person shall, without the permission of the Commissioner or without other lawful authority, remove any bar, chain or post so fixed or infringe any order prohibiting traffic so set up.

237. Whilst the execution of any work on behalf of the Corporation is in progress in any street, the Commissioner shall, so far as may be reasonably practicable, make adequate provision for the passage or diversion of traffic, for securing access to all premises approached from such street, and for any drainage, water-supply, or means of lighting which may be interrupted by reason of the execution of the said work.

Commissioner to provide for traffic, etc., pending execution of municipal work in any street.

238. (*1*) Whilst the execution of any work on behalf of the Corporation is in progress in any street, the Commissioner shall—

Precautions to be taken for public safety whilst municipal works are in progress in any street.

(*a*) take proper precaution for guarding against accident by shoring up and protecting the adjoining buildings;

(*b*) have any place where the soil or pavement has been opened or broken up, fenced and guarded;

(*c*) have a light sufficient for the warning of passengers set up and kept every night against any such place and against any bars, chains or posts set up under section 236 for so long as such place shall be continued open or broken up, or such bars, chains or posts shall remain set up.

(*2*) No person shall, without the written permission of the Commissioner or without other lawful authority, remove any shoring timber or fence, or remove or extinguish any light employed or se up for any of the purposes of this section.

239. (*1*) No person other than the Commissioner or a municipal officer or servant shall, without the written premission of the Commissioner or without other lawful authority,—

Streets not to be opened or broken up and building materials not to be deposited thereon without permission.

(*a*) open, break up, displace, take up or make any alteration in, or cause any injury to, the soil or pavement, or any wall, fence, post, chain or other material or thing forming part of any street;

(*b*) deposit any building materials in any street; or

(*c*) set up in any street any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(*2*) Any permission granted under clause (*b*) or (*c*) of sub-section (*1*) shall be terminable at the discretion of the Commissioner, on his giving not less than twenty-four hours' written notice of the termination thereof to the person to whom such permission was granted.

(*3*) Except in cases in which permission has been applied for under clause (*b*) of sub-section (*1*) for the deposit of building materials in any street and no reply has been sent to the applicant within seven days from the date of the application, the Commissioner may, without notice, cause to be removed any building materials, or any scaffold, or any temporary erection, or any posts, bars, rails, boards or other things by way of enclosure, which have been deposited or set up in any street without the permission or authority specified in sub-section (*1*), or which, having been deposited or set up with such permission or authority, have not been removed within the period specified in the notice issued under sub-section (*2*).

Precautions for public safety to be taken by persons to whom permission is granted under section 239.

240. Every person to whom any permission is granted under section 239 shall, at his own expense, cause the place where the soil or pavement has been opened or broken up or where he has deposited building materials, or set up any scaffold, erection or other thing, to be properly fenced and guarded, and, in all cases in which the same is necessary to prevent accidents, shall cause such place to be well lighted during the night.

Persons to whom permission is granted under section 239 must reinstate streets, etc.

241. (*1*) Every person to whom permission is granted under section 239 to open or break up the soil or pavement of any street, or who, under other lawful authority, opens or breaks up the soil or pavement of any street, shall with all convenient speed complete the work for which the same shall be opened or broken up, and fill in the ground and reinstate and make good the street or pavement so opened or broken up without delay to the satisfaction of the Commissioner.

(*2*) If the said person shall fail to reinstate and make good the street or pavement as aforesaid, the Commissioner may restore such street or pavement, and the expenses incurred by the Commissioner in so doing shall be paid by the said person.

Provisions to be made by persons granted permission under section 239 for traffic etc.

242. The Commissioner may, by written notice, require any person to whom permission is granted under section 239 to open or break up the soil or pavement of any street, or who, under any other lawful authority, opens or breaks up the soil or pavement of any street for the purpose of executing any work, to make provision to his satisfaction for the passage or diversion of traffic for securing access to the premises approached from such street and for any drainage, water-supply or means of lighting which may be interrupted by reason of the execution of the said work.

Buildings at corners of streets.

243. (*1*) The Commissioner may, with the approval of the Standing Committee, require by written order the corner of any building which has already been erected or which is to be newly erected or which is to be reconstructed or repaired and which is situated at the junction of two or more streets to be rounded or splayed off to such height and in such manner as he may determine and may also in such order impose such conditions as he deems necessary as to the construction of a compound wall or fence or hedge or any other structure whatsoever or the planting or retention of any tree on the premises appurtenant to such building.

(*2*) Compensation shall be paid by the Commissioner for any loss or damage caused by the issue of an order under sub-section (*1*).

Sky-signs and Advertisements.

244. (*1*) No person shall, without the written permission of the Commissioner, erect, fix or retain any sky-sign of the kind prescribed by rules whether existing on the appointed day or not. Such written permission shall be granted, or renewed, or any period exceeding two years from the date of each such permission or renewal, subject to the condition that such permission shall be deemed to be void if— Regulations as to sky-signs.

(*a*) any addition is made to the sky-sign except for the purpose of making it secure under the direction of the City Engineer;

(*b*) any change is made in the sky-sign, or any part thereof;

(*c*) the sky-sign or any part thereof fall either through accident, decay or any other cause;

(*d*) any addition or alteration is made to, or in, the building or structure upon or over which the sky-sign is erected, fixed or retained, involving the disturbance of the sky-sign or any part thereof;

(*e*) the building or structure upon or over which the sky-sign is erected, fixed or retained becomes unoccupied or be demolished or destroyed.

(*2*) Where any sky-sign shall be erected, fixed or retained after the appointed day upon or over any land, building or structure, save and except as permitted as hereinbefore provided, the owner or person in occupation of such land, building or structure shall be deemed to be the person who has erected, fixed or retained such sky-sign in contravention of the provisions of this section, unless he proves that such contravention was committed by a person not in his employment or under his control, or was committed without his connivance.

(*3*) If any sky-sign be erected, fixed or retained contrary to the provisions of this section, or after permission for the erection, fixing or retention thereof for any period shall have expired or become void, the Commissioner may, by written notice, require the owner or occupier of the land, building or structure, upon or over which the sky-sign is erected, fixed or retained, to take down and remove such sky-sign.

245. (*1*) The Commissioner may, by notice in writing, require the owner or the person in occupation of any land, building, wall, hoarding or structure to take down or remove, within such period as is specified in the notice, any advertisement upon such land, building, wall, hoarding or structure. Regulation and control of advertisements.

(*2*) If the advertisement is not taken down or removed within such period, the Commissioner may cause it to be taken down or removed, and the expenses reasonably incurred on the taking down or removal thereof shall be paid by such owner or person.

(*3*) The provisions of this section shall not apply to any advertisement which—

(*a*) is exhibited within the window of any building;

(*b*) relates to the trade or business carried on within the land or building upon which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein, or to any sale, entertainment or meeting to be held upon or in the same;

(*c*) relates to the business of any railway administration;

(*d*) is exhibited within any railway station or upon any wall or other property of a railway administration, except any portion of the surface of such wall or property fronting any street.

Dangerous places and places where some work affecting human safety or convenience is carried on.

Hoards to be set up during work on any building adjacent to street.

246. (*1*) No person who proposes to build, take down or rebuild any building or wall, or to alter or repair any part of any building or wall, shall, in any case in which the footway in any adjacent street will be thereby obstructed or rendered less convenient, commence doing so without first having caused to be put up a proper and sufficient hoard or fence, with a convenient platform and hand-rail if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

(*2*) No hoard or fence shall be so put up without the previous written permission of the Commissioner, and every such hoard or fence, put up with such permission, with such platform and hand-rail as aforesaid, shall be continued standing and maintained in good condition to the satisfaction of the Commissioner, by the person who carries on the work, during such time as may be necessary for the public safety and convenience ; and, in all cases in which the same is necessary to prevent accidents, the said person shall cause such hoard or fence to be well lighted during the night.

(*3*) The Commissioner may, by written notice, require the person aforesaid to remove any hoard or fence so put up.

Commissioner to take proceedings for repairing or enclosing dangerous places or places where some work affecting safety or convenience is carried on.

247. (*1*) If any place is, in the opinion of the Commissioner, from want of sufficient repair, protection or enclosure or owing to some work being carried on thereupon, dangerous to passengers along a street, or to persons who have lawful access thereto or to the neighbourhood thereof or if any such work, in the opinion of the Commissioner, affects the safety or convenience of such persons, he may, by notice in writing, require the owner or occupier thereof to repair, protect or enclose the said place or take such other step as shall appear to the Commissioner necessary, in order to prevent danger therefrom or to ensure safety or convenience of such persons.

(*2*) The Commissioner may, before giving any such notice or before the period of any such notice has expired, take such temporary measures as he thinks fit to prevent danger from the said place or to ensure safety or convenience at such work, and any expense incurred by the Commissioner in taking such temporary measure shall be paid by the owner or occupier of the place to which the said notice refers.

Protective measures during demolition work.

248. (*1*) No person who proposes to take down a building or a part thereof, shall commence doing so without providing, in addition to such hoard or fence which he may be required to provide under section 246, screens extending to the full height of such building on all sides thereof so as to prevent pollution of the surrounding air with dust or injury or damage caused by the falling of any debris, bricks, wood and other material.

(*2*) If any such work is commenced in contravention of sub-section (*1*) the Commissioner may cause it to be stopped forthwith and any person carrying it out to be removed from the premises by a police officer.

Lighting of Streets.

Public streets to be lighted.

249. (*1*) The Commissioner shall—

(*a*) take measures for lighting in a suitable manner the public streets, municipal gardens and open spaces and municipal markets and all buildings vesting in the Corporation ;

(*b*) procure, erect and maintain such number of lamps, lamp-posts and other appurtenances as may be necessary for the said purpose; and

(*c*) cause such lamps to be lighted by means of oil, gas, electricity or such other light as the Corporation shall from time to time determine.

(*2*) The Commissioner may place and maintain electric wires for the purpose of lighting such lamps under, over, along or across, and posts, poles, standards, stays, struts, brackets, and other contrivances for carrying, suspending or supporting lamps or electric wires in or upon, any immovable property without being liable to any claim for compensation thereanent:

Provided that such wires, posts, poles, standards, stays, struts, brackets and other contrivances shall be so placed as to occasion the least practicable inconvenience or nuisance to any person.

Watering of Streets.

250. The Commissioner may— Measures for watering streets.

(*a*) take measures for having the public streets watered at such time and seasons and in such manner as he shall think fit;

(*b*) procure and maintain such vehicles, animals and apparatus as he shall think fit for the said purpose.

Miscellaneous.

251. No person shall, without lawful authority, take away or wilfully break, throw down or damage— Prohibition of removal, etc., of lamps or any other municipal property on streets.

(*a*) any lamp, lamp-post or lamps-iron set up in any public street or in any municipal garden, open space or market or building vesting in the Corporation;

(*b*) any electric wire for lighting any such lamp;

(*c*) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any such electric wire or lamp;

(*d*) any property of the Corporation on any street;

and no person shall wilfully extinguish the light or damage any appurtenance of any such lamp.

252. If any person shall, through negligence or accident, break any lamp set up in any public street or municipal market, garden or public place or building vesting in the Corporation or shall break or damage any property of the Corporation on any street, he shall pay the expenses of repairing the damage so done by him. Persons accidentally breaking lamp etc. to repair the damage.

CHAPTER XV.

Building Regulations.

Notices regarding Erection, etc. of Buildings.

253. (*1*) Every person who shall intend to erect a building shall give to the Commissioner notice of his said intention in the form prescribed in the by-laws and containing all such information as may be required to be furnished under the by-laws. Notice to be given to Commissioner of intention to erect building.

(*2*) Every such notice shall be signed in the manner prescribed in the by-laws and shall be accompanied by such documents and plans as may be so prescribed.

(*3*) In this Chapter the expression " to erect a building " means—

(*a*) newly to erect a building on any site whether previously built upon or not,

(*b*) to re-erect—

(*i*) any building of which more than one-half of the cubical contents of the building above the level of the plinth have been pulled down, burnt, or destroyed,

(*ii*) any masonry building of which more than three-fourths of the superficial area of the external walls above the level of the plinth has been pulled down, or

(*iii*) any frame building of which more than three quarters of the number of the posts or beams in the external walls have been pulled down,

(*c*) to convert into a dwelling house any building or part of a building not originally constructed for human habitation or, if originally so constructed, appropriated for any other purpose,

(*d*) to convert into more than one dwelling house a building originally constructed as one dwelling house only,

(*e*) to convert by any structural alteration into a place of religious worship or into a sacred building any place or building not originally meant or constructed for such purpose,

(*f*) to roof or cover an open space between walls or buildings as regards the structure which is formed by roofing or covering such space,

(*g*) to convert by a structural alteration two or more tenements in a building into a greater or lesser number,

(*h*) to make any structural alteration in a building so as to affect its drainage or sanitary arrangements or its stability,

(*i*) to convert into a stall, shop, warehouse or godown any building not originally constructed for use as such, or

(*j*) to construct in a wall adjoining any street or land not vested in the owner of the wall, a door opening on such street or land,

and each of the above operations shall be deemed to be the erection of a new building for the purposes of this Chapter.

Notice to be given to Commissioner of intention to make additions, etc., to building.

254. (*1*) Every person who shall intend—

(*a*) to make any addition to a building,

(*b*) to make any alteration or repairs to a building, not being a frame-building, involving the removal or re-erection of any external or party-wall thereof or of any wall which supports the roof thereof, to an extent exceeding one-half of such wall above the plinth level, such half to be measured in superficial feet,

(*c*) to make any alteration or repairs to a frame-building, involving the removal or re-erection of more than one-half of the posts or beams in any such wall thereof as aforesaid, or involving the removal or re-erection of any such wall thereof as aforesaid to an extent exceeding one-half of such wall above plinth level, such half to be measured in superficial feet,

(*d*) to make any alteration in a building involving—

(*i*) the sub-division of any room in such building so as to convert the same into two or more separate rooms, or

(*ii*) the conversion of any passage or space in such building into a room or rooms,

(*e*) to repair, remove, construct, reconstruct or add to any portion of a building abutting on a street which stands within the regular line of such street,

(*f*) to carry out any work in a building involving—

(*i*) the construction or reconstruction of a roof,

(*ii*) the conversion of a roof into a terrace,

(*iii*) the conversion of a terrace into a roof, or

(*iv*) the construction of a lift shaft,

(*g*) to carry out any repairs to a building involving the construction of a floor of a room (excluding the ground floor),

(*h*) to permanently close any door or window in an external wall, or

(*i*) to remove or reconstruct the principal staircase or to alter its position,

shall give notice to the Commissioner, in the form prescribed in the by-laws and containing all such information as may be required to be furnished under the by-laws.

(*2*) Every such notice shall be signed in the manner prescribed in the by-laws and shall be accompanied by such documents and plans as may be so prescribed.

Plans etc., submitted, to be rejected if not drawn etc., in prescribed manner.

255. The Commissioner shall decline to accept any plan, section, description, structural drawings or structural calculations as sufficient for the purposes of this Act which are not drawn, given, prepared or signed in the manner prescribed in the by-laws.

Effect of non-compliance with requisition made by Commissioner.

256. If any requisition made by the Commissioner in accordance with the rules requiring the production of further particulars and details is not complied with, the notice given under section 253 or 254 shall be deemed not to have been given.

Commencement of work.

Supervision of buildings and works.

257. Every person who intends to erect a new building or execute any such work as is described in section 254, shall erect the building or execute the work in such manner, under such supervision, through such qualified agency, and subject to such conditions and restrictions as may be prescribed by the by-laws.

Power to Commissioner to cancel permission on the ground of material misrepresentation by applicant.

258. If at any time after permission to proceed with any building or work has been given under the rules, the Commissioner is satisfied that such permission was granted in consequence of any material misrepresentation or fraudulent statement contained in the notice given or information furnished under section 253 or 254, or of further information, if any, furnished, he may cancel such permission, and any work done thereunder shall be deemed to have been done without his permission.

Inspection of buildings in course of erection, alteration, etc.

259. The Commissioner may at any time during the erection of a building or the execution of any such work as is described in section 254 make an inspection thereof, without giving previous notice of his intention so to do.

Proceedings to be taken in respect of building or work commenced contrary to rules or by-laws.

260. (*1*) If the erection of any building or the execution of any such work as is described in section 254 is commenced or carried out contrary to the provisions of the rules or by-laws, the Commissioner, unless he deems it necessary to take proceedings in respect of such building or work under section 264, shall—

(*a*) by written notice, require the person who is erecting such building or executing such work or has erected such building or executed such work on or before such day as shall be specified in such notice, by a statement in writing subscribed by him or by an agent duly authorised by him in that behalf and addressed to the Commissioner, to show sufficient cause why such building or work shall not be removed, altered or pulled down, or

(*b*) shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf, and show sufficient cause why such building or work shall not be removed, altered or pulled down.

(*2*) If such person shall fail to show sufficient cause, to the satisfaction of the Commissioner, why such building or work shall not be removed, altered or pulled down, the Commissioner may remove, alter or pull down the building or work and the expenses thereof shall be paid by the said person.

Buildings or works commenced contrary to Act may be cut into and laid open for purpose of inspection.

261. (*1*) If there shall be reasonable ground for suspecting that in the erection of any such building or in the execution of any such work as is referred to in section 260 anything has been done contrary to any provision of this Act or of any rule or by-law, or that anything required by any such provision, rule or by-law to be done has been omitted to be done;

and if, on inspecting such building or work, it is found that the same has been completed or is too far advanced to permit of any such fact being ascertained;

the Commissioner may, with the approval of the Standing Committee, by a written notice, require the person who has erected such building or executed such work or is erecting such building or executing such work to cause so much of the building as prevents any such fact being ascertained to be cut into, laid open or pulled down to a sufficient extent to permit of the same being ascertained.

(*2*) If it shall thereupon be found that in the erection of such building or the execution of such work nothing has been done contrary to any provision of this Act or of any rule or by-law, and that nothing required by any such provision, rule or by-law to be done has been omitted to be done, compensation shall be paid by the Commissioner to the person aforesaid for the damage and loss incurred by cutting into, laying open or pulling down the building or work.

Enforcement of provisions concerning buildings and works.

262. The Commissioner may, at any time during the erection of a building or the execution of any such work as aforesaid, or at any time within three months after the completion thereof, by written notice specify any matter in respect of which the erection of such building or the execution of such work may be in contravention of any provision of this Act or of any rule or by-law, and require the person erecting or executing or who has erected or executed such building or work, or, if the person who has erected or executed such building or work is not at the time of the notice the owner thereof, then the owner of such building

or work, to cause anything done contrary to any such provision rule or by-law to be amended or to do anything which by any such provision, rule or by-law may be required to be done but which has been omitted to be done.

263. (*1*) Every person shall, within one month after the completion of the erection of a building or the execution of any such work as is described in section 254, deliver or send or cause to be delivered or sent to the Commissioner at his office, notice in writing of such completion, accompanied by a certificate in the form prescribed in the by-laws signed and subscribed in the manner so prescribed, and shall give to the Commissioner all necessary facilities for the inspection of such building or of such work and shall apply for permission to occupy the building. Completion certificates; permission to occupy or use.

(*2*) No person shall occupy or permit to be occupied any such building, or use or permit to be used the building or part thereof affected by any work, until—

(*a*) permission has been received from the Commissioner in this behalf, or

(*b*) the Commissioner has failed for twenty-one days after receipt of the notice of completion to intimate his refusal of the said permission.

Dangerous Structures.

264. (*1*) If it shall at any time appear to the Commissioner that any structure (including under this expression any building, wall, parapet, pavement, floor, steps, railings, door or window frames or shutters or roof, or other structure and anything affixed to or projecting from or resting on, any building, wall, parapet or other structure) is in a ruinous condition or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such structure or any other structure or place in the neighbourhood thereof, the Commissioner may, by written notice, require the owner or occupier of such structure to pull down, secure, remove or repair such structure or thing or do one or more of such things and to prevent all cause of danger therefrom. Removal of structures, etc., which are in ruins or likely to fall.

(*2*) The Commissioner may also, if he thinks fit, require the said owner or occupier by the said notice, either forthwith or before proceeding to pull down, secure, remove or repair the said structure or thing, to set up a proper and sufficient hoard or fence for the protection of passers-by and other persons, with a convenient platform and hand-rail, if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

(*3*) If it appears to the Commissioner that the danger from a structure which is ruinous or about to fall is imminent, he may, before giving notice as aforesaid or before the period of notice expires, fence off, take down, secure or repair the said structure or take such steps or cause such work to be executed as may be required to arrest the danger.

(*4*) Any expenses incurred by the Commissioner under sub-section (*3*) shall be paid by the owner or occupier of the structure.

(*5*) (*a*) Where the Commissioner is of opinion whether on receipt of an application or otherwise that the only or the most convenient means by which the owner or occupier of a structure such as is referred to in sub-section (*1*) can pull down, secure, remove or repair such structure, is by entering any of the adjoining premises belonging to some other person the Commissioner after giving such person a reasonable opportunity of stating any objection may, if no such objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorize the said owner or occupier to enter such adjoining premises.

(*b*) Every such order bearing the signature of the Commissioner shall be a sufficient authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving to the owner of the premises reasonable written notice of his intention so to do, to enter upon the said premises with assistants and workmen, at any time between sunrise and sunset, and to execute the necessary work.

(*c*) In executing any work under this section as little damage as can be, shall be done to the adjoining owner's property, and the owner or occupier of premises for the benefit of which the work is done, shall

(*i*) cause the work to be executed with the least practicable delay;

(*ii*) pay compensation to any person who sustains damage by the execution of the said work.

Periodic inspection of buildings.

265. (*1*) It shall be incumbent on the owner of every building to maintain every part thereof and everything appurtenant thereto in such repair as to prevent its becoming dangerous.

(*2*) The Commissioner may by written notice require the owner of any building to get the building inspected at such intervals and in such manner as may be prescribed in the by-laws.

(*3*) The owner shall within two months of the inspection under sub-section (*2*) undertake such repairs as the inspection shall show to be necessary for the purpose of securing the stability of the structure within the meaning of section 264 after complying with all the provisions of this Act and the rules and by-laws in regard to such repairs and shall, on completion of such repairs, submit to the Commissioner a certificate signed by the person who made the inspection, of his having carried out the repairs satisfactorily.

(*4*) A report of every inspection made under sub-section (*2*) shall forthwith be submitted to the Commissioner by the person who carried it out and the Commissioner may take such action in respect of such building as he deems fit under this section or under any other provision of this Act if the owner fails to comply with the requirements of sub-section (*3*).

(*5*) The expenses incurred by the Commissioner under sub-section (*4*) shall be paid by the owner.

Dangerous openings in buildings.

266. If it shall at any time appear to the Commissioner that any opening in any part of a building is so situated as to constitute a danger to human life, he may, by written notice, require that such opening shall be enclosed or protected by bars, grills or such other device to his satisfaction.

Works unlawfully carried on.

Powers of Commissioner to direct removal of person directing unlawful work.

267. (*1*) If the Commissioner is satisfied that the erection of any building or the execution of any such work as is described in section 254 has been unlawfully commenced or is being unlawfully carried on upon any premises he may, by written notice, require the person directing or carrying on such erection or execution to stop the same forthwith.

(*2*) If such erection or execution is not stopped forthwith, the Commissioner may direct that any person directing or carrying on such erection or execution shall be removed from such premises by any police officer and may cause such steps to be taken as he may consider necessary to prevent the re-entry of such person on the premises without his permission.

(*3*) The cost of any measures taken under sub-section (*2*) shall be paid by the said person.

Power to vacate premises.

268. (*1*) Notwithstanding the provisions of any other law to the contrary the Commissioner may, by written notice, order any building or any portion thereof to be vacated forthwith or within the time specified in such notice— Power of Commissioner to vacate any building in certain circumstances.

(*a*) if such building or portion thereof has been unlawfully occupied in contravention of section 263 ;

(*b*) if a notice has been issued in respect of such building or part thereof requiring the alteration or reconstruction of any existing staircase, lobby, passage or landing and the works specified in such notice have not been commenced or completed ;

(*c*) if the building or part thereof is in a ruinous or dangerous condition within the meaning of section 264.

(*2*) In every such notice the Commissioner shall clearly specify the reasons for requiring such building or portion thereof to be vacated.

(*3*) The affixing of such written notice on any part of such premises shall be deemed a sufficient intimation to the occupiers of such building or portion thereof.

(*4*) On the issue of a notice under sub-section (*1*) every person in occupation of the building or portion thereof to which the notice relates shall vacate such building or portion as directed in the notice and no person shall so long as the notice is not withdrawn enter the building or portion thereof except for the purpose of carrying out any work which he may lawfully carry out.

(*5*) The Commissioner may direct that any person who acts in contravention of sub-section (*4*) shall be removed from such building or part thereof by any police officer.

(*6*) The Commissioner shall, on the application of any person who has vacated any premises in pursuance of a notice under sub-section (*1*), reinstate such person in the premises on the withdrawal of such notice, unless it is in his opinion impracticable to restore substantially the same terms of occupation by reason of any structural alteration or demolition.

(*7*) The Commissioner may direct the removal from the said premises by any police officer of any person who obstructs him in any action taken under sub-section (*6*) and may also use such force as is reasonably necessary to effect entry in the said premises.

Regulation of certain classes of buildings in particular localities.

269. (*1*) The Commissioner may give public notice of his intention to declare, subject to any valid objection that may be preferred within a period of three months,— Power to regulate future construction of certain classes of buildings in particular streets or localities.

(*a*) that in any streets or portions of streets specified in such notice the elevation and construction of the frontage of all buildings or any classes of buildings thereafter erected or re-erected shall in respect of their architectural features be such as the Corporation may consider suitable to the locality ;

(*b*) that in any localities specified in the notice there shall be allowed the construction of only detached or semidetached buildings or both and that the land

appurtenant to each such building shall be of an area not less than that specified in such notice;

(*c*) that the minimum size of building plots in particular localities shall be of a specified area;

(*d*) that in any localities specified in the notice the construction of more than a specified number of buildings on each acre of land shall not be allowed; or

(*e*) that in any streets, portions of streets or localities specified in such notice the construction of shops, warehouses, factories, huts or buildings designed for particular uses shall not be allowed without the special permission of the Commissioner granted in accordance with general regulations framed by the Standing Committee in this behalf and subject to the terms of such permission only.

(*2*) The Standing Committee shall consider all objections received within a period of three months from the publication of such notice, and shall then submit the notice with a statement of objections received and of its opinion thereon to the Corporation.

(*3*) No objection received after the said period of three months shall be considered.

(*4*) Within a period of two months after the receipt of the same the Corporation shall submit all the documents referred to in sub-section (*2*) with a statement of its opinion thereon to the Provincial Government.

(*5*) The Provincial Government may pass such orders with respect to such declaration as it may think fit:

Provided that such declaration shall not thereby be made applicable to any street, portion of a street or locality not specified in the notice issued under sub-section (*1*).

(*6*) The declaration as confirmed or modified by the Provincial Government shall be published in the *Official Gazette* and shall take effect from the date of such publication.

(*7*) No person shall erect or re-erect any building in contravention of any such declaration.

CHAPTER XVI.

IMPROVEMENT SCHEMES.

Commissioner to make draft improvement scheme.

270. (*1*) Subject to the provisions of sub-section (*4*), if it shall appear to the Commissioner—

(A) that within certain limits in any part of the City,

(*a*) any buildings used, or intended or likely to be used, for human habitation, are unfit for human habitation,

(*b*) the narrowness, closeness and bad arrangement or the bad condition of the streets and buildings, or groups of buildings, within such limits or the want of light, air, ventilation or proper convenience, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings within the area of such limits, or of the neighbouring buildings, and that the evils connected with such buildings and the sanitary defects in such area cannot be effectually remedied otherwise than by an improvement scheme for the rearrangement and reconstruction of the streets and buildings within such area or of some of such streets or buildings, or

(*c*) it is necessary to provide for the construction of buildings for the accommodation of the poorer sections of the community; or

(B) that for the purpose of providing new building sites or of remedying the defective ventilation of any part of the City, or of creating new or increasing the existing means of communication and facilities for traffic between various parts

of the City it is expedient to form new or to alter existing streets or to construct or reconstruct any bridges, causeways, sub-ways or other works appurtenant thereto in any part of the City, the Commissioner may—

(*i*) with the previous approval of the Corporation, which shall not be given unless the Corporation is satisfied of the sufficiency of its resources, draw up a notification stating that the Commissioner proposes to make an improvement scheme, specifying the area to which the resolution relates and the works proposed to be included in such scheme and naming a place where a map of the said area may be seen at all reasonable hours;

(*ii*) during three consecutive weeks publish simultaneously in the *Official Gazette* and in the local newspapers a copy of the said notification; and

(*iii*) proceed to make a draft improvement scheme and submit the scheme to the Standing Committee for approval.

(*2*) In making an improvement scheme more than one area may be included in one improvement scheme.

(*3*) With the previous approval of the Corporation the Commissioner may, for the purpose of making an improvement scheme, cause surveys to be made in areas either inside or outside the limits of the area comprised in the scheme to be made.

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(*4*) No improvement scheme shall, notwithstanding anything contained in this Chapter, be made for any area for which a housing scheme has been sanctioned under the provisions of the Bombay Housing Board Act, 1948.

Particulars to be provided for in an improvement scheme.

271. (*1*) The improvement scheme, which may exclude any part of the area included in the notification referred to in section 270, or include any neighbouring land, if the Commissioner is of opinion that such exclusion or inclusion is necessary for the proper carrying out of the scheme,—

(*a*) shall, within the limits of the area comprised in the scheme, provide for—

(*i*) the acquisition of any land which will, in the opinion of the Commissioner, be necessary for or, subject to the provisions of sub-section (*2*), be affected by the execution of the scheme;

(*ii*) relaying out all or any land including the construction and reconstruction of buildings and the formation and alteration of streets;

(*iii*) the laying of such storm-water drains and sewers as may be required for the efficient draining and sewering of streets so formed or altered;

(*iv*) the lighting of streets so formed or altered;

(*b*) may, within the limits aforesaid, provide for—

(*i*) the construction or reconstruction of bridges, causeways or sub-ways or any other works appurtenant thereto;

(*ii*) raising any land which the Commissioner may deem expedient to raise for the better drainage of the locality;

(*iii*) forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area;

(*iv*) the whole or any part of the sanitary arrangements required; and

(*c*) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer sections of the community including the whole or part of such sections to be displaced in the execution of the scheme:

Provided that no neighbouring land shall be included in an improvement scheme unless previous notice of such inclusion has been given in the manner provided in item (*ii*) in sub-section (*1*) of section 270.

(*2*) If, in the opinion of the Commissioner, any land within the limits aforesaid which is not required for the execution of the scheme will, as the result of such execution, be increased in value the scheme may, in lieu of providing for the acquisition of such land, provide for the levy of a betterment charge as hereinafter provided in respect of the increase in value thereof.

(*3*) In making an improvement scheme for any area regard shall be had to the conditions and nature of neighbouring parts of the City and of the City as a whole, and to the likelihood of improvement schemes being required for the neighbouring and other parts of the City.

Procedure on completion of scheme.

272. (*1*) On the submission by the Commissioner of a draft improvement scheme, the Standing Committee shall take such scheme into its consideration and may approve the same with or without such alteration as it thinks fit.

(*2*) Upon the approval of an improvement scheme by the Standing Committee the Commissioner shall forthwith draw up a notification stating the fact of a scheme having been made, the limits of the area comprised therein, and naming a place where particulars of the scheme, a map of the same and a statement of the land which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge may be seen at all reasonable hours, and shall—

(*a*) communicate a copy of such notification, particulars, map and statement to the Corporation;

(*b*) publish the notification in the manner prescribed for the publication of a notification under section 270.

(*3*) During the thirty days next following the first day on which such notification is published, the Commissioner shall serve a notice upon every person whose name appears in the Commissioner's Assessment-book as primarily liable for the payment of the property taxes leviable under this Act on any land or building or part of a building which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge.

(*4*) Such notice shall—

(*a*) state that the Commissioner on behalf of the Corporation proposes to acquire such land or building or part of a building or to levy a betterment charge in respect thereof for the purpose of or in connection with an improvement scheme, and

(*b*) require the person so served, if he objects to such acquisition or levy, to state his reasons in writing within thirty days from the date of service of the notice.

Right of owner to demand acquisition on issue of notification when building operations are in progress.

273. (*1*) If any land is included in any statement specifying the land proposed to be acquired made in accordance with any notification drawn up under section 272, and if the owner of such land shall prove to the satisfaction of the Collector that at the date of the said notification building operations were in progress on such land or any part thereof and the buildings were structurally complete up to the first floor level, the Collector shall call upon the Commissioner to acquire such land.

(*2*) On receipt of such notice the Commissioner shall forthwith report the matter to the Standing Committee and the said Committee shall then resolve whether in its opinion it is desirable to acquire the land set out in the notice or to withdraw from the proposal to acquire and shall communicate its resolution within two months to the Corporation which shall within one month after receipt thereo communicate to the Commissioner the decision of the Corporation in the matter,

and thereupon the Commissioner shall forthwith in accordance with such decision either proceed to acquire such land or shall give written notice to the owner that the proposal to acquire has been withdrawn.

(*3*) If the Corporation decides to acquire the land, the Commissioner shall give notice of such decision to the Collector and the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 6 of the Land Acquisition Act, 1894.

I of 1894.

(*4*) If the Corporation withdraws from the proposal to acquire any land under sub-section (*2*), such land shall not be included in any statement of the land proposed to be acquired, made in accordance with any notification drawn up under section 272, until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

(*5*) Notwithstanding anything contained in this section, if the Corporation withdraws from the proposal to acquire any land under sub-section (*2*), such land may be included in, or added to, any statement of the land in respect of which it is proposed to levy a betterment charge made in accordance with any notification drawn up under section 272:

Provided that the provisions of sub-sections (*3*) and (*4*) of section 272 shall apply in respect of such land as if the period of thirty days referred to in the said sub-section (*3*) commenced on the date on which notice was given to the owner that the proposal to acquire has been withdrawn.

Right of owner to demand acquisition or withdrawal by Corporation after lapse of two years from date of notification.

274. (*1*) The owner of any land included in any statement of the land proposed to be acquired made in accordance with any notification drawn up under section 272 may at any time before the publication of a declaration under section 278 and after the expiry of one year from the date of such notification by written notice to the Commissioner setting out the particulars of such land call upon the Commissioner to acquire such land on behalf of the Corporation.

(*2*) On receipt of such notice the Commissioner shall forthwith report the matter to the Standing Committee and the said Committee shall resolve whether in its opinion it is desirable to acquire the land set out in the notice and shall communicate its resolution within two months to the Corporation which shall within two months after the receipt thereof communicate to the Committee and Commissioner the decision of the Corporation in the matter and thereupon the Commissioner shall in accordance with such decision either decide to acquire such land or shall give notice to the owner that he has withdrawn the proposal to acquire.

(*3*) If the Corporation decides to acquire the land it shall instruct the Commissioner to give notice of such decision to the Collector and to the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 6 of the Land Acquisition Act, 1894.

I of 1894.

(*4*) If the Corporation withdraws from the proposal to acquire any land under sub-section (*2*) such land shall not be included in any statement of the land proposed to be acquired made in accordance with any notification drawn up under section 272 until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

(*5*) Notwithstanding anything contained in this section, if the Corporation withdraws from the proposal to acquire any land under sub-section (*2*), such land may be included in, or added to, any statement of the land in respect of which it is proposed to levy a betterment charge made in accordance with any notification drawn up under section 272 :

Provided that the provisions of sub-sections (*3*) and (*4*) of section 272 shall apply in respect of such land as if the period of thirty days referred to in the said sub-section (*3*) commenced on the date on which notice was given to the owner that the proposal to acquire has been withdrawn.

Standing Committee after publication and service of notices to forward scheme to Corporation for approval.

275. (*1*) Upon compliance with the foregoing provisions with respect to the publication of notices of the scheme the Commissioner shall submit to the Standing Committee any objection or representation received under section 272 together with any suggestion he may wish to make in respect of the modification of the scheme.

(*2*) The Standing Committee shall, after consideration of any such objection, representation or suggestion and after inserting in the scheme such modification as it thinks fit, submit the scheme together with any objection, representation or suggestion to the Corporation for its approval.

Corporation to consider improvement scheme and to approve or disapprove.

276. The Corporation shall, on receipt of a scheme from the Standing Committee, proceed to take such scheme into consideration together with any objection, representation, or suggestion received or made under section 272 or 275 and shall, after having approved the scheme with or without modification or declined to approve the scheme, pass a resolution to that effect.

Commissioner to apply to Provincial Government for sanction to the scheme.

277. (*1*) As soon as the Corporation has approved the scheme the Commissioner shall apply to the Provincial Government on behalf of the Corporation for sanction to the scheme.

(*2*) If the Corporation declines to approve the scheme the Commissioner shall forthwith draw up and publish in the manner provided in section 270 a notification stating that the Corporation has resolved not to proceed with the making of the scheme, and on such publication the notifications relating to the scheme published under sections 270 and 272 shall be deemed to be cancelled.

(*3*) An application to the Provincial Government under sub-section (*1*) for sanction shall be accompanied by—

(*a*) a copy of the resolution passed by the Standing Committee under section 272;

(*b*) a copy of the resolution passed by the Corporation under section 270;

(*c*) a description with full particulars of the scheme including the reasons for any modifications inserted therein;

(*d*) complete plans and estimates of the cost of executing the scheme;

(*e*) a statement specifying the land which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge;

(*f*) a list of the names of the persons, if any, who in answer to the notices mentioned in sub-section (*3*) of section 272 objected, with the reasons (if any) stated by such persons for objection, in respect of the acquisition of their land or the levy of a betterment charge;

(*g*) a schedule showing the rateable value, as entered in the Commissioner's Assessment-book, at the date of the publication of a notification relating to the land under section 272, of all land specified in the statement under clause (*e*) and of any other land wholly or partially situated within eighty feet from either side of any street to be formed or altered in executing the scheme.

278. (*1*) (*a*) On receipt of the sanction of the Provincial Government the Commissioner shall forward to the Provincial Government a declaration for notification stating the fact of such sanction and that the land proposed to be acquired by the Corporation for the purposes of the scheme is required for a public purpose.

On receipt of sanction declaration to be published giving particulars of land to be acquired and on publication of such declaration Commissioner to be authorised to execute scheme.

(*b*) The declaration shall be published in the *Official Gazette* in the same manner as an order of the Provincial Government and shall state the limits within which the land proposed to be acquired is situate, the purpose for which it is needed, its approximate area, and the place where a plan of the land may be inspected.

(*c*) The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the Commissioner shall, upon the publication of the said declaration, proceed to execute the scheme.

(*2*) (*a*) If at any time it appears to the Commissioner, the Standing Committee or the Corporation, as the case may be, that an improvement can be made in any part of the scheme, the Corporation may alter the scheme for the purpose of making such improvement and thereupon the Commissioner shall, subject to the provisions contained in the next two clauses of this sub-section, forthwith proceed to execute the scheme as altered.

(*b*) If the estimated net cost of executing the scheme as altered exceeds by ten per cent. the estimated net cost of executing the scheme as sanctioned, the Commissioner shall not, without the previous sanction of the Corporation and of the Provincial Government, proceed to execute the scheme as altered.

(*c*) If the scheme as altered involves the acquisition, otherwise than by agreement, of or the levy of a betterment charge in respect of any land other than that specified in the schedule accompanying the scheme under sub-section (*3*) of section 277 the provisions of sections 272 and 277 and of sub-section (*1*) shall apply to the part of the scheme so altered, in the same manner as if such altered part were the scheme.

279. If, within three years from the declaration aforesaid, the Corporation fails to acquire any land included in such declaration or any part of such land, the owner of such land may, by written notice setting out the particulars of such land, call upon the Corporation to acquire such land or to withdraw from the proposal to acquire it and thereafter the procedure prescribed in sub-sections (*2*) to (*5*) of section 274 shall be followed.

If Corporation fail to acquire the land, owner may call upon Corporation to acquire it or to withdraw from proposal.

280. Where an improvement scheme has provided for the levy of a betterment charge pursuant to sub-section (*2*) of section 271, such betterment charge shall be an amount equal to one-half of the increase in value of the land, including the buildings, if any, thereon and shall be calculated upon the amount by which the value of the said land on completion of the execution of the scheme exceeds the value of the said land at the time of the publication of the notification made under section 272.

Method of calculation of betterment charge.

281. (*1*) When it appears to the Commissioner that an improvement scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Commissioner shall make a report to the Standing Committee to that effect, and the Standing Committee after considering the report may by resolution declare the date on which, for the purpose of determining the amount of the betterment charge, the execution of the scheme shall be deemed to have been completed.

Procedure for determining charge

(*2*) The amount of betterment charge leviable in each case shall be determined in accordance with section 280 after following the procedure prescribed in sub-section (*3*) by such officer as the Provincial Government may by notification in the *Official Gazette* appoint in this behalf at the request of the Corporation.

(*3*) On a date being fixed under sub-section (*1*) and an officer being appointed under sub-section (*2*) the Commissioner shall, in consultation with such officer, serve upon every person on whom a notice in respect of the property affected has been served under sub-section (*3*) of section 272, a notice which shall state—

(*a*) the date declared by the Standing Committee under sub-section (*1*) as aforesaid;

(*b*) the time, being some time not less than twenty-one days after the service of the notice, and place at which the assessment of the betterment charge will be considered by such officer, and every person upon whom such a notice is served shall be entitled to be heard either in person or by a duly authorised agent when the matter is taken into consideration by such officer.

(*4*) When such officer has determined the amount of the betterment charge leviable in respect of any property, the Commissioner shall serve upon the person concerned a notice stating the amount so determined.

(*5*) With effect from the date of service of the notice under sub-section (*4*) and, subject to the decision upon any reference made to the District Court as hereinafter provided in sub-section (*6*), the amount of the betterment charge determined as aforesaid and interest thereon, if any, shall be a charge upon the property in respect of which it is levied, and shall be recoverable in the same manner as expenses declared to be improvement expenses under section 442.

(*6*) If any person is dissatisfied with the charge determined by the officer appointed by the Provincial Government under sub-section (*2*), the Commissioner shall, upon the application of such person at any time within one month from the date of the service of a notice under sub-section (*4*), refer the case for the determination of the District Court whose decision thereupon shall be final.

(*7*) If no application for determination by the District Court is made as provided in sub-section (*6*) the determination of the amount of a betterment charge by the officer appointed by the Provincial Government in this behalf shall be final.

Extent to which Land Acquisition Act shall apply to acquisition of land otherwise than by agreement.

282. The Land Acquisition Act, 1894, hereinafter referred to as "the Land Acquisition Act" shall, to the extent set forth in Appendix I regulate and apply to the acquisition of land under this Chapter, otherwise than by agreement, and shall for that purpose be deemed to form part of this Chapter in the same manner as if enacted in the body hereof, subject to the provisions of this Chapter and the provisions following namely:— I of 1894.

(*1*) a reference to any section of the Land Acquisition Act shall be deemed to be a reference to such section, as modified by the provisions of this Chapter, and the expression "land" as used in the Land Acquisition Act shall be deemed to have the meaning assigned to it by clause (30) of section 2 of this Act, and clause (*b*) of section 3 of the Land Acquisition Act shall, for the purposes of this Chapter, be read as if the words and parentheses "(including the Crown)" were inserted after the words "includes all persons", and the words "or if he is the owner of any right created by legislative enactment over any street forming part of the land" were added after the words "affecting the land";

(*2*) in the construction of sub-section (*2*) of section 4 of the Land Acquisition Act and the provisions of this Chapter the provisions of the said sub-section shall.

for the purposes of this Act, be applicable immediately upon the passing of a resolution under sub-section (*1*) of section 270 and the expression "Provincial Government" shall be deemed to include the Commissioner, and the words "such locality" shall be deemed to mean the locality referred to in any such resolution;

(*3*) in the construction of the sections of the Land Acquisition Act deemed to form part of this Chapter and of the provisions of this Chapter, the publication of a notification under sub-section (*1*) of section 270 shall be deemed to be the publication of a notification under sub-section (*1*) of section 4 of the Land Acquisition Act and the date of publication of the declaration under section 278 shall be deemed to be the date of the publication of the declaration under section 6 of the Land Acquisition Act:

Provided that where land is acquired under section 273 or sub-section (*3*) of section 274 the date of publication of the notification under sub-section (*2*) of section 272 shall be deemed to be the date of publication of a declaration under section 6 of the Land Acquisition Act.

(*4*) In the construction of sub-section (*2*) of section 50 of the Land Acquisition Act and the provisions of this Chapter the Commissioner shall be deemed to be the local authority or company concerned.

(*5*) Notwithstanding anything contained in sub-section (*1*) of section 49 of the Land Acquisition Act, it shall not be competent for the owner of any building of which it is proposed to acquire only a part, to insist on the acquisition of his entire holding where the part proposed to be acquired can, in the opinion of the Collector, be severed from the remainder without material detriment thereto:

Provided that the Collector shall, if required by the owner of such building, refer the question whether such part can be severed from the remainder without material detriment for the determination of the Court and the Court shall decide upon such a reference, as if it were a reference to the Court under the said sub-section:

Provided also that if, in the opinion of the Collector or, in the event of a reference, of the Court, the part proposed to be acquired cannot be severed from the remainder without material detriment thereto, the Provincial Government may, at the instance of the Commissioner, order the acquisition of the remainder, and in such case no fresh declaration shall be necessary, but the Collector shall without delay furnish a copy of the order of the Provincial Government to the person or persons interested and shall thereafter take order for the acquisition of the remainder in like manner and with like powers in all respects as if the acquisition had originally been provided for in the improvement scheme.

283. In determining the amount of compensation to be awarded for any land or building acquired for the purposes of this Act the following further provisions shall apply:— **Special provisions as to compensation.**

(*1*) the Court shall take into consideration any increase to the value of any other land or building belonging to the person interested likely to accrue from the acquisition of the land or from the acquisition, alteration or demolition of the building;

(*2*) when any addition to, or improvement of, the land or building has been made after the date of the publication under sub-section (*2*) of section 272 of notification relating to the land or building, such addition or improvement shall not (unless it was necessary for the maintenance of the building in

a proper state of repair) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made, so as to increase the amount of the compensation to be paid for the land or building;

(*3*) in estimating the market value of the land or building at the date of the publication of a notification relating thereto under sub-section (*2*) of section 272 the Court shall have due regard to the nature and the condition of the property and the probable duration of the building, if any, in its existing state and to the state of repair thereof and to the provisions of clauses (4), (5) and (6) of this section;

(*4*) if in the opinion of the Court the rental of the land or building has been enhanced by reason of its being used for an illegal purpose, or being so overcrowded as to be dangerous or injurious to the health of the inmates, the rental shall not be deemed to be greater than the rental which would be obtainable if the land or building were used for legal purposes only, or were occupied by such a number of persons only as it was suitable to accommodate without risk of such overcrowding;

Explanation.—For the purposes of this sub-section overcrowding shall be interpreted as in section 307;

(*5*) if in the opinion of the Court the building is in a state of defective sanitation, or is not in reasonably good repair, the amount of compensation shall not exceed the estimated value of the property after the building has been put into a sanitary condition, or into reasonably good repair, less the estimated expense of putting it into such condition or repair;

(*6*) if in the opinion of the Court the building being used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation for the building shall not exceed the value of the materials, less the cost of the demolition;

(*7*) compensation may be awarded if the Court thinks fit in respect of the severance of any part of a building proposed to be acquired in addition to the value of such part.

Collector to take possession after making an award and transfer land to Corporation.

284. When the Collector has made an award under section 11 of the Land Acquisition Act, as applied by this Act, he may take possession of the land which shall thereupon vest absolutely in the Crown free from all encumbrances, and the Collector shall, upon payment of the cost of the acquisition, make over charge of the land to the Commissioner and the land shall thereupon vest in the Corporation subject to the liability of the Commissioner to pay on behalf of the Corporation any further costs which may be incurred on account of the acquisition of the land.

CHAPTER XVII.

MUNICIPAL FIRE-BRIGADE.

Maintenance of firemen and of necessary fire engines, etc.

285. (*1*) With a view to the discharge by the Corporation of the duty of extinguishing fire and protecting life and property in case of fire, the Commissioner shall provide, in the statement of municipal officers and servants from time to time prepared by him under section 51, for a force of firemen, with a proper number of officers over them to be called "the municipal fire-brigade", and shall furnish

the said brigade with all such fire-engines, fire-escapes, vehicles, accoutrements, tools, implements and means of intercommunication as may be necessary for the efficient discharge of their duties.

(*2*) A person may be appointed to be a member of the fire-brigade in addition to any other office or employment of such person.

(*3*) The Corporation may recognise any body of persons on such terms and conditions as it may fix as a volunteer fire-brigade to supplement the municipal fire-brigade.

286. On the occasion of a fire the Chief or other officer in charge of the fire-brigade may, subject to such orders as the Commissioner may from time to time issue in this behalf, take the command of all municipal officers and servants present and of any other persons who voluntarily place their services at his disposal; and may on such occasions exercise all or any of the powers specified in the rules.

Powers of Chief Officer of Fire-Brigade at a fire.

287. (*1*) It shall be the duty of all police officers and of all municipal officers and servants to aid the fire-brigade in the execution of their duties.

(*2*) Any police officer or any municipal officer may close any street in or near which a fire is burning and remove any persons who interfere by their presence with the operations of the fire-brigade.

Police and municipal officers and servants to aid the fire brigade.

288. (*1*) Any damage occasioned by the fire-brigade in the due execution of their duties, or by any police or municipal officer or servant who aids the fire-brigade, shall be deemed to be damage by fire.

(*2*) No damages shall be payable for any act done in good faith by any person in any operations carried out in pursuance of section 286 or 287.

Damage done by fire-brigade to be deemed damage by fire.

289. A report of every fire which occurs in the City shall be submitted by the chief or other officer in charge of the fire-brigade not later than the day following the fire to the Commissioner, who shall make such further inquiry, if any, as he may deem necessary and shall furnish a weekly return of all fires which occur in the City to the Standing Committee.

Report of fire to be submitted.

CHAPTER XVIII.

Sanitary Provisions.

Scavenging and Cleansing.

290. For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Commissioner shall take measures for securing—

(*a*) the daily surface-cleansing of all streets in the City and removal of the sweeping therefrom;

(*b*) the removal of the contents of all receptacles and depots and of the accumulations at all places provided or appointed by him under the provisions of this Act for the temporary deposit of dust, ashes, refuse, rubbish, trade refuse, carcasses of dead animals and excrementitious and polluted matter.

Commissioner to provide for cleansing of streets and removal of refuse.

291. All matters deposited in public receptacles, depots and places provided or appointed under section 292 and all matters collected by municipal servants or contractors in pursuance of sections 290 and 293 shall be the property of the Corporation.

Refuse etc., to be the property of the Corporation.

Provision and appointment of receptacles, depots and places for refuse, etc.

292. The Commissioner shall provide or appoint in proper and convenient situations public receptacles, depots and places for the temporary deposit or final disposal of—

(*a*) dust, ashes, refuse and rubbish ;
(*b*) trade refuse ;
(*c*) carcasses of dead animals ;
(*d*) excrementitious and polluted matter :

Provided that the said matters shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of, without the sanction of the Corporation or in any place or manner which the Provincial Government thinks fit to disallow.

Provision may be made by Commissioner for collection etc., of excrementitious and polluted matter.

293. When the Commissioner has given public notice, under clause (*a*) of sub-section (*1*) of section 131, of his intention to provide, in a certain portion of the City, for the collection, removal, and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools, it shall be lawful for the Commissioner to take measures for the daily collection, removal and disposal of such matter from all premises situated in the said portion of the City.

Special sanitary arrangements at certain places.

294. (*1*) The Commissioner shall make such special arrangements, whether permanent or temporary, as he considers adequate for maintaining sanitation in the vicinity of any temple, math, mosque, tomb or any place of religious worship or instruction to which large numbers of persons resort on particular occasions or in any place which is used for holding fairs or festivals.

(*2*) The Commissioner may require any person having control over any such place as aforesaid to pay to the Corporation such contribution towards the cost of the special measures taken under sub-section (*1*) as the Corporation may from time to time fix.

Scavengers' duties in certain cases may not be discharged by private individuals without Commissioner's permission.

295. In any portion of the City in which the Commissioner has given a public notice under clause (*a*) of sub-section (*1*) of section 131 and in any premises, wherever situate, in which there is a water-closet or privy connected with a municipal drain, it shall not be lawful, except with the written permission of the Commissioner, for any person who is not employed by or on behalf of the Commissioner to discharge any of the duties of scavengers.

Inspection and Sanitary Regulation of Premises.

Power to inspect premises for sanitary purposes.

296. The Commissioner may inspect any building or other premises for the purpose of ascertaining the sanitary condition thereof.

Cleansing and lime-washing of any building may be required.

297. If it shall appear to the Commissioner necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building so inspected, to cause the same or some portion thereof to be lime-washed or otherwise cleansed, either externally or internally, or both externally and internally.

298. (*1*) If, for any reason, it shall appear to the Commissioner that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, he shall give to the owner or occupier of such building notice in writing stating such reason and signifying his intention to prohibit the further use of the building or room, as the case may be, as a dwelling and shall by such notice call upon the owner or occupier aforesaid to state in writing any objection thereto within thirty days after the receipt of such notice, and if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the Commissioner invalid or insufficient, he may, with the previous approval of the Standing Committee, by an order in writing, prohibit the further use of such building or room as a dwelling: **Buildings or rooms in buildings unfit for human habitation.**

Provided that, before such approval is given, the owner or occupier aforesaid shall have the right of appearing before the Standing Committee in person or by agent and of showing cause why such approval should not be given.

(*2*) When any such prohibition as aforesaid has been made, the Commissioner shall cause notice of such prohibition to be affixed to, and the letters "U. H. H." to be painted on the door or some conspicuous part of, such building or room, as the case may be, and no owner or occupier of such building or room shall use or suffer the same to be used for human habitation until the Commissioner certifies in writing that the building or room, as the case may be, has been rendered fit for human habitation.

(*3*) The Commissioner shall in each such case give written instructions to the owner or occupier as to what modifications or alterations are required to be made for rendering such building or room fit for human habitation.

(*4*) The Commissioner may cause any person who uses any building or room in contravention of sub-section (*2*) to be removed from such building or room by any police officer.

(*5*) Where the Commissioner has prohibited the further use of a building or room, as the case may be, as a dwelling the owner of such building shall, so far as may be necessary to prevent nuisance, keep the building or room clean and wholesome.

(*6*) The provisions of sub-sections (*6*) and (*7*) of section 268 shall apply on the issue by the Commissioner of a certificate that the building or room, as the case may be, has been rendered fit for habitation as if such certificate were the withdrawal of a notice issued under sub-section (*1*) of the said section.

299. (*1*) If it shall appear to the Commissioner that any building intended for or used as a dwelling is in any respect unfit for human habitation and does not conform with the regulations the Commissioner may, by written notice, require the owner of the building, within such reasonable time, not being less than twenty-one days, as may be specified in the notice, to execute such works or carry out such alterations as would render the building fit for human habitation. **Power to require repair of insanitary buildings.**

(*2*) In addition to serving a notice under this section on the owner of the building the Commissioner may serve a copy of the notice on any other person having an interest in the building or in the land on which such building has been erected, whether as mortgagee, lessee, or otherwise.

300. (*1*) If it shall appear to the Commissioner that any building intended for or used as a dwelling is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, he shall serve upon the occupier of the building and the owner thereof, and, so far as it is reasonably practicable to ascertain such persons, upon any person having interest in such building notice of the time (being some time not less than twenty-one days after the service of the notice) and place **Power to order demolition of insanitary buildings.**

at which the condition of the building and any offer with respect to the carrying out of works, or the future use of the building, which he may wish to submit, will be considered by the Standing Committee; and every person upon whom such a notice is served shall be entitled to be heard either in person or by agent when the matter is so taken into consideration.

(*2*) A person upon whom notice is served under sub-section (*1*) shall, if he intends to submit an offer with respect to the carrying out of works, within twenty-one days from the date of the service of the notice upon him, serve upon the Commissioner notice in writing of his intention to make such an offer and shall, within such reasonable period as the Commissioner may allow, submit to him a list of the works which he offers to carry out.

(*3*) The Commissioner may, with the previous approval of the Standing Committee, accept from any owner or any other person interested an undertaking in writing either that he will within a specified period carry out such works as will in the opinion of the Commissioner render the building fit for human habitation, or that it shall not be used for human habitation until the Commissioner, on being satisfied that it has been rendered fit for that purpose and with the previous approval of the Standing Committee, cancels the undertaking.

(*4*) If no such undertaking as is mentioned in sub-section (*3*) is accepted by the Commissioner, or if, in a case where the Commissioner has accepted such an undertaking, any work to which the undertaking relates is not carried out within the specified period, or the building is at any time used in contravention of the terms of the undertaking, the Commissioner may, with the previous approval of the Standing Committee, make a demolition order requiring that the building shall be vacated within a period to be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative, and that it shall be demolished within six weeks after the expiration of that period, or if the building is not vacated before the expiration of that period, within six weeks after the date on which it is vacated, or in either case within such longer period as in the circumstances the Commissioner deems it reasonable to specify, and shall serve a copy of the order upon every person upon whom the Commissioner would be required by sub-section (*1*) to serve a notice issued by him under that sub-section.

(*5*) In determining for the purpose of this section whether a building can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render it so fit and the value which it is estimated that the building will have when the works are completed.

Procedure where demolition order made

301. (*1*) When a demolition order under section 300 has become operative, the owner of the building to which it applies shall demolish the building within the time limited in that behalf by the order ; and, if the building is not demolished within that time, the Commissioner shall take measures to demolish the building and sell the materials thereof.

(*2*) Any expenses incurred by the Commissioner under sub-section (*1*), after giving credit for the amount realised by sale of the materials, shall be payable by the owner of the building, and any surplus in the hands of the Commissioner after payment of such expenses shall be paid by the Commissioner to the owner of the building, or if there are more than one owner, shall be paid in such proportion as the Commissioner may decide.

(*3*) Any person aggrieved by the decision of the Commissioner under sub-section (*2*) may, within a period of one month, appeal to the Judge.

302. Where in pursuance of a notice under sub-section (*1*) of section 299 any building has been rendered fit for human habitation by the execution of works and alterations to the satisfaction of the Commissioner, such building during a period of ten years from the date of completion of such works and alterations shall not be deemed to be unfit for human habitation by reason only of not conforming with any regulation made subsequently to such date affecting the structure of such building.

Building rendered fit not to be deemed unfit for ten years if not conforming to regulations made subsequently.

303. (*1*) The Commissioner may serve upon the owner of a building which appears to him to be an obstructive building notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the question of ordering the building or any part thereof to be demolished will be considered by the Standing Committee, and the owner shall be entitled to be heard either in person or by agent when the matter is so taken into consideration.

Power to order demolition of obstructive building.

(*2*) If, after so taking the matter into consideration, the Standing Committee resolves that the building is an obstructive building and that the building or any part thereof ought to be demolished, the Commissioner may make a demolition order requiring that the building or that part thereof shall be demolished, and that the building, or such part thereof as is required to be vacated for the purposes of the demolition, shall be vacated within two months from the date on which the order becomes operative, and if he does so, shall serve a copy of the order upon the owner of the building.

(*3*) In this section the expression " obstructive building " means a building which, although not in itself unfit for human habitation, is so situate that by reason of its proximity to or contact with any other buildings it—

(*a*) stops or impedes ventilation or otherwise makes or conduces to make such other buildings to be in a condition unfit for human habitation or dangerous or injurious to health ; or

(*b*) prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings.

304. (*1*) If, before the expiration of the period within which a building or part thereof in respect of which an order is made under section 303 is thereby required to be vacated, any owner or any person known to have an interest in such building or the site of the building makes to the Commissioner an offer for the sale of the building site or any interest therein to the Corporation at a price equal to the compensation to be assessed as provided in sub-section (*6*), the Commissioner shall, upon obtaining the requisite sanction under section 77 accept the offer and shall, as soon as possible after obtaining possession, carry out the demolition.

Effect of order for demolition of obstructive building.

(*2*) Upon payment of the price mentioned in sub-section (*1*) the said building and the site thereof to the extent of the interest acquired shall vest in the Corporation.

(*3*) If no such offer as is mentioned in sub-section (*1*) is made before the expiration of the said period, the owner of the building shall carry out the demolition provided for by the order before the expiration of six weeks from the last day of that period, or, if the building, or such part thereof as is required to be vacated, is not vacated until after that day, before the expiration of six weeks from the day on which it is vacated, or, in either case, before the expiration of such longer period as in the circumstances the Commissioner deems reasonable, and if the demolition is not so carried out the Commissioner shall take measures to carry out the demolition and sell the materials rendered available thereby.

(*4*) When any obstructive building or any part thereof is demolished either by the owner or by the Commissioner as provided for in sub-section (*3*), the Commissioner may at once take possession on behalf of the Corporation of the land occupied by and appurtenant to the said building or part thereof, and shall pay compensation as provided in sub-section (*6*).

(*5*) The provisions of sub-sections (*2*) and (*3*) of section 301 shall apply in relation to any expenses incurred by the Commissioner under sub-section (*3*) and to any surplus remaining in the hands of the Commissioner as they apply in relation to any expenses or surplus in a case where a building is demolished in pursuance of a demolition order made under section 300.

(*6*) The compensation payable by the Commissioner for the building and the site thereof upon any sale effected under sub-section (*1*) and the compensation payable by the Commissioner under sub-section (*4*), shall be the market value of the land and the building demolished, at the date of the demolition order made under sub-section (*2*) of section 303.

Compensation for acquiring obstructive building recoverable in certain cases as improvement expenses.

305. (*1*) When a demolition order in respect of an obstructive building or any part thereof has been made under section 303, the Commissioner may specify and declare to the Standing Committee the other buildings for the benefit of which the obstructive building or part thereof is intended to be demolished and shall serve a notice to that effect upon the owner of each of such other buildings.

(*2*) If in the opinion of the Commissioner the demolition of the obstructive building or part thereof adds to the value of the premises for the benefit of which the obstructive building has been demolished, the Commissioner shall determine the amount of increase in value, and shall with the approval of the Standing Committee apportion so much of the compensation to be made for the acquisition of the whole or part of the obstructive building including the site thereof as may be equal to the increase in value of the said premises amongst them.

(*3*) For the purpose of sub-section (*2*) the Commissioner shall have the like powers as are conferred on him by or under this Act for the purpose of determining the rateable value of a building or land and every person required to make or deliver a statement under this sub-section shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code. XLV of 1860.

(*4*) The Commissioner may declare the sum apportioned to each of the premises in respect of its increase in value to be improvement expenses incurred for the benefit of such premises and the same shall thereupon be a charge upon such premises and shall be recoverable in the same manner as expenses declared to be improvement expenses under section 442.

(*5*) An appeal shall lie within a period of one month to the Judge against an order of the Commissioner under sub-section (*4*).

Appeal against demolition orders.

306. Any person aggrieved by a demolition order made under section 300 or section 303 may, within twenty-one days after the date of the service of a copy of the order, appeal to the Judge, and no proceedings shall be taken by the Commissioner to enforce any order in relation to which an appeal is brought before the appeal is finally determined :

Provided that no appeal shall lie at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the unexpired term does not exceed three years.

307. (*1*) Where it appears to the Commissioner, whether from any certificate furnished under the rules or otherwise, that any building or any room therein used for human habitation is overcrowded, he may apply to a Magistrate of the First Class to prevent such overcrowding, and the said Magistrate, after such inquiry as he thinks fit to make, may prescribe the maximum number of persons to be accommodated in each room and may, by written order, require the owner of the building, within a reasonable time not exceeding ten days to be prescribed in the said order, to abate the overcrowding thereof, by reducing the number of lodgers, tenants, or other inmates of the said building or room or rooms, in accordance with the maximum so prescribed and to the satisfaction of the Commissioner or may pass such other order as he may deem just and proper. **Overcrowded dwellings.**

Explanation.—The landlord of the lodgers, tenants or other actual inmates of a building shall, for the purposes of this sub-section, be deemed to be the owner of the said building.

(*2*) Notwithstanding any provision to the contrary in any other law or in any contract, every tenant, lodger or other inmate of the said building or room shall vacate on being required by the owner so to do in pursuance of any order under sub-section (*1*).

(*3*) The Provincial Government may from time to time after consulting the Corporation direct by order in the *Official Gazette* what shall constitute overcrowding for the purposes of this section, and may in such order specify the minimum space to be allowed for each person according to age in premises used exclusively as a dwelling and in premises used as a dwelling as well as for some other purpose.

308. If the Commissioner is of opinion that any hut or shed used either as a dwelling or as a stable or for any other purpose, is likey, by reason of its being built without a plinth or upon a plinth of insufficient lheight or without proper means of drainage or ventilation, or on account of the impracticability of scavenging or owing to the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety, he may, by written notice, which shall be affixed to some conspicuous part of such hut or shed, require the owner or occupier thereof, or the owner of the land on which such hut or shed stands, to remove or alter such hut or shed or to take such order for the improvement thereof as the Commissioner shall deem necessary. **Insanitary huts and sheds.**

Disposal of carcasses of animals.

309. (*1*) It shall be the duty of the Commissioner to provide for the removal of the carcasses of all animals dying within the City. **Removal of carcasses of dead animals.**

(*2*) The occupier of any premises in or upon which any animal shall die or in or upon which the carcass of any animal shall be found, and the person having the charge of any animal which dies in the street or in any open place, shall, within three hours after the death of such animal or, if the death occurs at night, within three hours after sunrise, report the death of such animal at the nearest office of the municipal health department.

(*3*) For every carcass removed by municipal agency, a fee for the removal of such amount as shall be fixed by the Commissioner shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge, the said animal died.

Regulation of Public Bathing, Washing, etc.

Places for public bathing, etc., to be fixed by Commissioner, and regulation of use of such places.

310. (*1*) The Commissioner may from time to time—

(*a*) set apart portions of a river or other suitable places vesting in the Corporation for use by the public for bathing or for washing animals, or for washing or for drying clothes ;

(*b*) specify the times at which and the sex of persons by whom, such places may be used ;

(*c*) prohibit, by public notice, the use by the public for any of the said purposes of any place not so set apart ;

(*d*) prohibit by public notice the use by the public of any portion of a river or place not vesting in the Corporation for any of the said purposes ;

(*e*) regulate by public notice the use by the public of any portion of a river or other place vesting in the Corporation and set apart by him for any of the said purposes ; and

(*f*) regulate by public notice the use by the public of any portion of a river or other place not vesting in the Corporation for any of the said purposes, and of any work, and of the water in any work, assigned and set apart under this Act for any particular purpose.

(*2*) The Commissioner may charge such fees as the Standing Committee may fix for the use of any place set apart under clause (*a*) of sub-section (*1*) by any specified class or classes of persons or by the public generally.

Prohibition of bathing, etc., contrary to order.

311. Except as permitted by any order made under any provision of this Act, no person shall—

(*a*) bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well or on any part of a river or other place vesting in the Corporation ;

(*b*) wash or cause to be washed in or near any such place or work, any animal, clothes or other article ;

(*c*) throw, put or cause to enter into the water in any such place or work, any animal or other thing ;

(*d*) cause or suffer to drain into or upon any such place or work, or to be brought thereinto or thereupon, anything, or do anything, whereby the water shall be in any degree fouled or corrupted ;

(*e*) dry clothes in or upon any such place ; and

no person shall—

(*f*) in contravention of any prohibition made by the Commissioner under section 310 use any portion of a river or any place not vesting in the Corporation for any purpose mentioned in the said section ;

(*g*) contravene the provisions of any notice given by the Commissioner under section 310 for the use of any such portion of a river or place for any such purpose.

Prohibition of corruption of water by steeping therein animal or other matter, etc.

312. No person shall—

(*a*) steep in any tank, reservoir, stream, well or ditch, any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health ;

(*b*) whilst suffering from any contagious, infectious or loathsome disease, bathe on, in or near any bathing-platform, lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well.

Regulation of Factories, Trades, etc.

313. No person shall—

(*i*) newly establish in any premises,

(*ii*) remove from one place to another,

(*iii*) re-open or renew after discontinuance for a period of not less than three years, or

(*iv*) enlarge or extend the area or dimensions of,

any factory, workshop or workplace in which it is intended to employ steam, water, electrical or other mechanical power or any bakery except with the previous written permission of the Commissioner nor shall any person work or allow to be worked any such factory, workshop, workplace or bakery without such permission:

Provided that for the purpose of clause (*iii*) no such permission shall be required if during the period of discontinuance the machinery has not been removed from the place where the factory, workshop or bakery was originally established.

Factory, etc. not to be newly established without permission of Commissioner.

314. No person engaged in any trade or manufacture specified in section 376 or the rules shall,—

(*a*) wilfully cause or suffer to be brought or to flow into any lake, tank, reservoir, cistern, well, duct or other place for water belonging to the Corporation or into any drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture as aforesaid;

(*b*) wilfully do any act connected with any such trade or manufacture as aforesaid, whereby the water in any such lake, tank, reservoir, cistern, well, duct or other place for water is fouled or corrupted.

Prohibition of corruption of water by chemicals, etc.

Prevention and checking spread of dangerous diseases.

315. In the event of any person being found to have been attacked with a dangerous disease or any person being found suffering with such disease in any place or vehicle it shall be lawful for the Commissioner or the Medical Officer of Health or any other municipal officer to take such measures as are prescribed by rules.

Power of Commissioner, Medical Officer of Health, etc. in case of dangerous diseases.

316. The Commisioner may at any time, by day or by night, without notice or after giving such notice of his intention as shall, in the circumstances, appear to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he shall think fit to prevent the spread of the said disease beyond such place.

Any place may at any time be inspected for purpose of preventing spread of dangerous disease.

317. If the Commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

Destruction of huts and sheds when necessary

318. The Commissioner may on being satisfied that it is in the public interest so to do, by written order direct that any lodging house or any place where articles of food and drink are sold or prepared, stored or exposed for sale, being a lodging house or place in which a case of a dangerous disease exists or has recently occurred, shall be closed for such period as may be specified in the order:

Provided that such lodging house or place may be declared to be open if the Medical Officer of Health certifies that it has been disinfected or is free from infection.

Closure of lodging and eating houses.

Special Sanitary Measures.

Commissioner may take special measures on outbreak of any dangerous disease.

319. (*1*) In the event of the City being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious disease breaking out or being likely to be introduced into the City amongst cattle including under this expression sheep and goats, the Commissioner, if he thinks the ordinary provisions of this Act and the rules or of any other law at the time in force are insufficient for the purpose, may, with the sanction of the Provincial Government—

(*a*) take such special measures, and

(*b*) by public notice prescribe such temporary orders to be observed by the public or by any person or class of persons,

as are specified in the rules and as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(*2*) The Commissioner shall forthwith report to the Corporation any measures taken and any orders made by him under sub-section (*1*).

Disposal of the Dead.

Places for disposal of the dead to be registered.

320. (*1*) Every owner or person having the control of any place already used for burying, burning or otherwise disposing of the dead, shall apply to the Commissioner within a period of six months from the appointed day to register the same and the Commissioner shall cause the same to be registered.

(*2*) Such application shall be accompanied by a plan, bearing the signature of a licensed surveyor in token of its having been prepared by or under the supervision of such surveyor, of the place to be registered, showing the locality, boundaries and extent of the same. The application shall also contain information as regards the name of the owner or person or community interested therein, the system of management and such further particulars as the Commissioner may require.

(*3*) The Commissioner may, on receipt of such application and plan, register the said place in a register which shall be kept for this purpose.

(*4*) The Commissioner shall cause to be deposited in the municipal office at the time of registration the plan referred to in sub-section (*2*).

(*5*) If the Commissioner is not satisfied with the plan or statement or particulars, he may refuse or postpone registration, until his objections have been removed.

(*6*) Every place vesting in the Corporation used for burying, burning or otherwise disposing of the dead shall be registered in the register kept under sub-section (*3*), and a plan showing the locality, extent and boundaries thereof and bearing the signature of the City Engineer shall be deposited in the municipal office.

Provision of new places for disposal of the dead.

321. (*1*) If the existing places for the disposal of the dead shall at any time appear to be insufficient, or if any place is closed under the provisions of section 323, the Commissioner shall, with the sanction of the Corporation, provide other fit and convenient places for the said purpose, either within or without the City, and shall cause the same to be registered in the register kept under section 320, and shall deposit in the municipal office, at the time of registration of each place so provided, a plan thereof showing the locality, extent and boundaries of the same and bearing the signature of the City Engineer.

(*2*) All the provisions of this Act and the rules and by-laws shall apply to any place provided under sub-section (*1*) without the City and vesting in the Corporation as if such place were situate within the City.

322. No place which has never previously been lawfully use as a place for the disposal of the dead and registered as such shall be opened by any person for the said purpose without the written permission of the Commissioner who, with the approval of the Corporation, may grant or withhold such permission.

New places for disposal of the dead not to be opened without permission of Commissioner.

323. (*1*) If, from information furnished by competent persons and after personal inspection, the Commissioner shall at any time be of opinion—

Provincial Government may direct closing of any place for disposal of dead.

(*a*) that any place of public worship is or is likely to become injurious to health by reason of the state of the vaults or graves within the walls of or underneath the same, or in any church-yard or burial-ground adjacent thereto, or

(*b*) that any other place used for the disposal of the dead is in such a state as to be or to be likely to become injurious to health or is otherwise no longer suitable for such use, he may submit his said opinion, with the reasons therefor, to the Corporation, which shall forward the same, with its opinion, for the consideration of the Provincial Government.

(*2*) Upon receipt of such opinion, the Provincial Government, after such further inquiry, if any, as it shall deem fit to cause to be made, may, by notification published in the *Official Gazette* and in the local newspapers, direct that such place of public worship or other place for the disposal of the dead be no longer used for the disposal of the dead. Every order so made shall be noted in the register kept under section 320.

(*3*) On the expiration of two months from the date of any such order of the Provincial Government, the place to which the same relates shall be closed for the disposal of the dead.

(*4*) A copy of the said notification, with a translation thereof in such language or languages as the Corporation may from time to time specify, shall be affixed on a conspicuous spot on or near the place to which the same relates, unless such place be a place of public worship.

324. (*1*) If, after personal inspection, the Commissioner shall at any time be of opinion that any place formerly used for the disposal of the dead, which has been closed under the provisions of section 323 or under any other law or authority, has by lapse of time become no longer injurious to health, and may without inconvenience or risk of danger be again used for the said purpose, he may submit his said opinion, with the reasons therefor, to the Corporation, which shall forward the same with its opinion for the consideration of the Provincial Government.

Provincial Government may sanction re-opening of places which have been closed for disposal of dead.

(*2*) Upon receipt of such opinion, the Provincial Government after such further inquiry, if any, as it shall deem fit to cause to be made, may, by notification published as provided in section 323, direct that such place be reopened for the disposal of the dead. Every order so made shall be noted in the register kept under section 320.

325. (*1*) No person shall, without the written permission of the Commissioner under sub-section (*2*)—

Burials within places of worship and exhumations not to be made without permission of Commissioner.

(*a*) make any vault or grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah of any place of worship;

(*b*) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 323;

(*c*) build, dig, or cause to be built or dug any grave, or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place which is not registered in the register kept under section 320;

(*d*) exhume any body, except under the provisions of section 176 of the Code of Criminal Procedure, 1898, or of any other law for the time being in force, from any place for the disposal of the dead. V of 1898.

(*2*) The Commissioner may in special cases grant permission for any of the purposes aforesaid, subject to such general or special orders as the Provincial Government may from time to time make in this behalf.

Acts prohibited in connection with disposal of dead.

326. No person shall—

(*a*) retain a corpse on any premises, without burning, burying or otherwise lawfully disposing of the same, for so long a time after death as to create a nuisance;

(*b*) carry a corpse or part of a corpse along any street without having and keeping the same decently covered or without taking such precautions to prevent risk of infection or injury to the public health as the Commissioner may, by public notice, from time to time think fit to require;

(*c*) except when no other route is available, carry a corpse or part of a corpse along any street along which the carrying of corpses is prohibited by a public notice issued by the Commissioner in this behalf;

(*d*) remove a corpse or part of a corpse, which has been kept or used for purposes of dissection, otherwise than in a closed receptacle or vehicle;

(*e*) whilst conveying a corpse or part of a corpse, place or leave the same on or near any street without urgent necessity;

(*f*) bury or cause to be buried any corpse or part of a corpse in a grave or vault or otherwise in such manner as that the surface of the coffin, or, when no coffin is used, of the corpse or part of a corpse shall be at a less depth than six feet from the surface of the ground;

(*g*) build or dig, or cause to be built or dug, any grave or vault in any burial ground at a less distance than two feet from the margin of any other grave or vault;

(*h*) build or dig, or cause to be built or dug, a grave or vault in any burial ground in any line not marked out for this purpose by or under the order of the Commissioner;

(*i*) without the written permission of the Commissioner, re-open for the interment of a corpse or of any part of a corpse, a grave or vault already occupied;

(*j*) after bringing or causing to be brought to a burning-ground any corpse or part of a corpse, fail to burn or cause the same to be burnt within six hours from the time of the arrival thereof at such ground;

(*k*) when burning or causing to be burnt any corpse, or part of a corpse, permit the same or any portion thereof to remain without being completely reduced to ashes or permit any cloth or other article used for the conveyance or burning of such corpse or part of a corpse to be removed or to remain on or near the place of burning without its being completely reduced to ashes.

CHAPTER XIX.

MARKETS AND SLAUGHTER HOUSES.

Maintenance and Regulation of Markets and Slaughter-houses.

327. All markets and slaughter-houses which belong to or are maintained by the Corporation shall be called "municipal markets" or "municipal slaughter-houses". All other markets and slaughter-houses shall be deemed to be private.

What to be deemed municipal markets and slaughter-houses.

328. (*1*) The Commissioner, when authorised by the Corporation in this behalf, may construct, purchase, take on lease or otherwise acquire any building or land for the purpose of establishing a municipal market or a municipal slaughter-house or stock-yard or of extending or improving any existing municipal market or slaughter-house, and may from time to time build and maintain such municipal markets, slaughter-houses and stock-yards and such stalls, shops, sheds, pens and other buildings or conveniences for the use of the persons carrying on trade or business in, or frequenting, such municipal markets, slaughter-houses or stock-yards, and provide and maintain in such municipal markets such buildings, places, machines, weights, scales and measures for weighing and measuring goods sold therein as he shall think fit.

Provision of new municipal markets and slaughter-houses.

(*2*) Municipal slaughter-houses and stock-yards may be situated within or, with the sanction of the Provincial Government, without the City.

329. The Commissioner may, with the sanction of the Corporation, at any time, close any municipal market or slaughter-house or stock-yard or any portion thereof, and the premises occupied for any market or slaughter-house or stock-yard or any portion thereof so closed may be disposed of as the property of the Corporation.

Municipal markets, slaughter-houses and stock-yards may be closed.

330. (*1*) It shall be lawful for the Commissioner, with the previous sanction of the Corporation, by public notice from time to time to prohibit within a distance of fifty yards of any municipal market the sale or exposure for sale of the commodities or of any of the commodities specified in the notice ordinarily sold in the said municipal market.

Prohibition of sale of commodities sold in municipal markets.

(*2*) Any notice issued under sub-section (*1*) may with like sanction at any time be cancelled or modified by the Commissioner.

331. (*1*) The Corporation shall from time to time determine whether the establishment of new private markets or the establishment or maintenance of private slaughter-houses shall be permitted in the City or in any specified portion of the City.

Opening of private markets and of private slaughter-houses.

(*2*) No person shall establish a private market for the sale of, or for the purpose of exposing for sale, animals intended for human food, or any article of human food or live-stock or articles of food for live—stock or shall establish or maintain a private slaughter-house except with the sanction of the Commissioner who shall be guided in giving such sanction by the decisions of the Corporation at the time in force under sub-section (*1*).

(*3*) When the establishment of a private market or a slaughter-house has been so sanctioned, the Commissioner shall cause a notice of such sanction to be affixed in such language or languages as the Corporation may from time to time specify on some conspicuous spot on or near the building or place where such market is to be held.

Explanation.—For the purpose of sub-section (*2*) the owner or occupier of a place in which a private market or slaughter-house is established shall be deemed to have established such market.

Levy of stallages, rents and fees in municipal markets, slaughter-houses and stock-yards.

332. The Commissioner may—

(*a*) charge for the occupation or use of any stall, shop, standing, shed or pen or other building in a municipal market, slaughter-house or stock-yard and for the right to expose goods for sale in a municipal market, and for weighing and measuring goods sold in any such market and for the right to slaughter animals in any municipal slaughter-house, such stallages, rents and fees as shall from time to time be fixed by him, with the approval of the Standing Committee, in this behalf;

(*b*) with the approval of the Standing Committee, farm the stallages, rents and fees leviable as aforesaid or any portion thereof, for any period not exceeding one year at a time ; or

(*c*) put up to public auction, or, with the approval of the Standing Committee, dispose of, by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen or other building in a municipal market, slaughter-house or stock-yard for such term and on such conditions as he shall think fit.

Removal of live cattle, sheep, goats or swine from any municipal slaughter-house, stock-yard, market or premises.

333. (*1*) No person shall, without the written permission of the Commissioner and without the payment of such fees as may be prescribed by him, remove any live cattle, sheep, goats or swine from any municipal slaughter-house or stock-yard or from any municipal market or premises used or intended to be used for or in connection with such slaughter-house or stock-yard :

Provided that such permission shall not be required for the removal of any animal which has not been sold within such slaughter-house, stock-yard, market or premises and which has not been within such slaughter-house, stock-yard, market or premises for a period longer than that prescribed under orders made by the Commissioner in this behalf, or which has in accordance with any by-law, been rejected as unfit for slaughter at such slaughter-house, market or premises.

(*2*) Any fee paid for permission under sub-section (*1*) in respect of any animal removed to a Panjrapole shall, subject to the orders made by the Commissioner in this behalf, be refunded on the production of a certificate from the Panjrapole authorities that such animal has been received in their charge.

Power to expel persons contravening rules, by-laws or standing orders.

334. (*1*) The Commissioner may expel from any municipal market, slaughter house or stock-yard any person, who or whose servant has been convicted of contravening any rule, by-law or standing order in force in such market, slaughter-house or stock-yard and may prevent such person, by himself or his servants, from further carrying on any trade or business in such market, slaughter-house or stock-yard or occupying any stall, shop, standing, shed, pen or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or place.

(*2*) If the owner of any private market or slaughter-house licensed under this Act or the lessee of such market or slaughter-house or any stall therein or any agent or servant of such owner or lessee has been convicted for contravention of any rule, by-law or standing order, the Commissioner may require such owner, lessee, agent or servant to remove himself from any such market or slaughter-house within such

time as may be mentioned in the requisition and if he fails to comply with such requisition, he may in addition to any penalty which may be imposed on him under this Act, be summarily removed from such premises.

(*3*) If it appears to the Commissioner that in any such case the owner or lessee is acting in collusion with a servant or agent convicted as aforesaid who fails to comply with a requisition under sub-section (*2*) the Commissioner may, if he thinks fit, cancel the licence of such owner or lessee in respect of such premises.

335. (*1*) No person shall without the written permission of the Commissioner bring into the City any cattle, sheep, goats or swine intended for human consumption, or the flesh of any such animal which has been slaughtered at any slaughter-house or place not maintained or licensed under this Act.

Prohibition of import of cattle, etc., into City without permission.

(*2*) Any police officer may arrest without warrant any person bringing into the city any animal or flesh in contravention of sub-section (*1*).

(*3*) Any animal brought into the City in contravention of this section may be seized by the Commissioner or by any municipal officer or servant or by any police officer or in or upon railway premises by any railway servant and any animal or flesh so seized may be sold or otherwise disposed of as the Commissioner shall direct and the proceeds, if any, shall belong to the Corporation.

(*4*) Nothing in this section shall be deemed to apply to cured or preserved meat.

Inspection of Places of Sales, etc.

336. (*1*) If the Commissioner shall have reason to believe that any animal intended for human consumption has been or is being or is likely to be slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorised under the provisions of this Act, the Commissioner may at any time, by day or by night, without notice, enter such place for the purpose of satisfying himself as to whether any provision of this Act or of any by-law is being contravened thereat and may seize any such animal or the carcass of such animal or such flesh found therein.

Commissioner may enter any place where slaughter of animals or sale of flesh contrary to the provisions of this Act is suspected.

(*2*) The Commissioner may remove and sell by auction or otherwise dispose of any animal or the carcass of any animal or any flesh seized under sub-section (*1*).

(*3*) If within one month of such seizure the owner of the animal, carcass or flesh fails to appear and prove his claim to the satisfaction of the Commissioner or if such owner is convicted of an offence under this Act in respect of such animal or carcass or flesh the proceeds of any sale under sub-section (*1*) shall vest in the Corporation.

(*4*) No claim shall lie against any person for compensation for any damage necessarily caused by any entry made under sub-section (*1*) or by the use of any force necessary for effecting such entry.

337. It shall be the duty of the Commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, dairy produce and any other article exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale and intended for human food or for medicine, the proof that the same was not exposed or hawked about or deposited or brought for any such purpose or was not intended for human food or for medicine resting with the party charged.

Commissioner to provide for inspection of articles exposed for sale for human food.

Unwholesome articles, etc., to be seized.

338. (*1*) The Commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensil or vessel used for preparing, manufacturing or containing the same.

(*2*) If any such animal or article appears to the Commissioner to be diseased or unsound or unwholesome or unfit for human consumption, as the case may be, or is not what it is represented to be, or if any such utensil or vessel is of such kind or in such state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human consumption, he may seize and carry away such animal, article, utensil or vessel, in order that the same may be dealt with as hereinafter provided and he may arrest and take to the nearest police station any person in charge of any such animal or article.

Disposal of perishable articles seized under section 338.

339. If any meat, fish, vegetable or other article of a perishable nature be seized under section 338 and the same is, in the opinion of the Commissioner, diseased, unsound, unwholesome or unfit for human comsumption, as the case may be, the Commissioner shall cause the same to be forthwith destroyed in such manner as to prevent its being again exposed for sale or used for human consumption and the expenses thereof shall be paid by the person in whose possession such article was at the time of its seizure.

Saving of Bombay Animal Preservation Act, 1948.

340. Nothing in this Chapter shall be deemed to affect in any manner the operation of the provisions of the Bombay Animal Preservation Act, 1948. Bom. LXXXI of 1948.

CHAPTER XX.

THE TRANSPORT UNDERTAKING.

The Operation of the Undertaking and the Construction and Maintenance of Works.

Provisions of this Chapter when applicable.

341. The provisions of this Chapter shall apply in the event of the Corporation acquiring or establishing a Transport Undertaking.

Management of Undertaking by Transport Manager.

342. (*1*) Subject to the superintendence of the Transport Committee and of the Corporation, the Transport Manager shall manage the Transport Undertaking and perform all acts necessary for the economical and efficient maintenance, operation administration and development of the Undertaking.

(*2*) Without prejudice to the generality of the foregoing provision, the Transport Manager may, with the sanction of the Transport Committee and subject to the restrictions or conditions imposed by this Act, either within or without the City—

(*a*) construct or acquire transport undertakings, including mechanically propelled transport facilities for the conveyance of the public, subject to the provisions of the Motor Vehicles Act, 1939, or of any other enactment for the time being in force and the conditions of any license, permit or sanction in favour of the Corporation granted thereunder ; IV of 1939.

(*b*) construct buildings and works of every description necessary or desirable for the operation or development of the Transport Undertaking ;

(*c*) purchase or take on lease or hire or otherwise acquire any moveable or immovable property or rights ;

(*d*) exercise any of the powers of a licensee holding a stage permit under the Motor Vehicles Act, 1939, which the Corporation is for the time being authorised to exercise and any other powers exercisable by the Corporation under the said Act in relation to the provision of mechanically propelled transport facilities for the conveyance of the public.

IV of 1939.

Fares and Charges.

343. (*1*) Fares and charges shall be leviable for the conveyance of passengers or for the carriage of goods by any means of transport provided by the Transport Undertaking at such rates as may from time to time be fixed, subject to the provisions of any enactment for the time being in force and any license granted to the Corporation thereunder, by the Transport Committee with the approval of the Corporation.

Levy of fares and charges for transport serv

(*2*) If any person travelling or having travelled in any vehicle of the Transport Undertaking avoids or attempts to avoid payment of his fare, or any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such vehicle beyond such distance and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or any person knowingly and wilfully refuses, or neglects, on arriving at the point up to which he has paid his fare, to quit such vehicle, he shall be punished, for each such offence, with fine which may extend to ten rupees.

(*3*) It shall be lawful for every municipal servant appointed under the provisions of this Chapter and all persons called in by him for his assistance, to arrest and take to the nearest police station any person who shall be discovered either in or after committing or attempting to commit an offence under sub-section (*2*) and whose name and address is not known and is refused by him, and the police officer in charge of the said police station shall adopt such legal measures as may be necessary to cause the said person to be taken before a Magistrate with the least possible delay.

Acquisition and Disposal of Property.

344. (*1*) Whenever it is necessary or expedient for the purposes of the Transport Undertaking that the Transport Manager shall acquire any immovable property, such property may be acquired by the Transport Manager on behalf of the Corporation by agreement on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the Transport Committee either generally for any class of cases or specially in any particular case.

Acquisition of immovable property.

(*2*) Whenever the Transport Manager is unable to acquire any immovable property under sub-section (*1*) by agreement, the Provincial Government may, in its discretion, upon the application of the Transport Manager made with the approval of the Transport Committee and, subject to the other provisions of this Act, order proceedings to be taken for acquiring the same on behalf of the Corporation as if such property were land needed for a public purpose within the meaning of the Land Acquisition Act, 1894.

I of 1894.

(*3*) The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall, subject to the other provisions of this Act, be forthwith paid by the Transport Manager and thereupon the said property shall vest in the Corporation for the purposes of the Transport Undertaking.

345. With respect to the disposal of property vesting in the Corporation exclusively for the purposes of the Transport Undertaking the following provisions shall have effect, namely—

Provisions governing disposal of municipal property.

(*a*) the Transport Manager may dispose of by sale, hire or otherwise, any moveable property belonging to the Corporation not exceeding in value, in each

instance, two thousand rupees or such higher amount as the Corporation may from time to time with the approval of the Provincial Government determine ;

(*b*) the Transport Manager may grant a lease of any immovable property belonging to the Corporation for any period not exceeding twelve months at a time ;

Provided that every lease granted by the Transport Manager (other than a contract for a monthly tenancy) the annual rent whereof at a rack rent exceeds three thousand rupees shall be reported by him, within fifteen days after the same has been granted, to the Transport Committee ;

(*c*) with the sanction of the Transport Committee, the Transport Manager may dispose of, by sale or otherwise, any moveable property belonging to the Corporation of which the value does not exceed ten thousand rupees, and may grant a lease of any immovable property belonging to the Corporation for any period exceeding one year, or sell or grant a lease in perpetuity of any immovable property belonging to the Corporation the value whereof does not exceed fifty thousand rupees or the annual rental whereof does not exceed three thousand rupees ;

(*d*) with the sanction of the Corporation, the Transport Manager may lease, sell or otherwise convey any property, moveable or immovable, belonging to the Corporation.

Officers and Servants.

Statement of permanent officers and servants to be prepared by Transport Manager and sanctioned by Transport Committee.

346. (*1*) The Transport Manager shall, from time to time, prepare and bring before the Transport Committee a statement setting forth the designations and grades of the officers and servants, who should, in his opinion, be permanently maintained for the purpose of the Transport Undertaking, and the amount and nature of the salaries, fees and allowances which he proposes should be paid to each.

(*2*) The Transport Committee shall sanction such statement either as it stands or subject to such modifications as it deems expedient :

Provided that—

(*a*) no new permanent office of which the minimum monthly salary exclusive of allowances exceeds two hundred rupees shall be created without the sanction of the Corporation and no new office with a minimum monthly salary, exclusive of allowances, of five hundred rupees or more or with a maximum monthly salary exclusive of allowances of eight hundred rupees or more shall be created without the sanction of the Provincial Government ;

(*b*) the Corporation may by resolution direct that the scales of pay of any specified classes or grades of officers or servants shall not be varied without the approval of the Corporation and, so long as such resolution is in force, the Transport Committee shall not authorise any variation in such scales without such approval.

Explanation.—An increase in the salary of any permanent office shall be deemed, for the purpose of sub-section (*2*), to be the creation of a new office if, by reason of such increase, the minimum monthly salary, exclusive of allowances, exceeds two hundred rupees or amounts to five hundred rupees or more, as the case may be, or the maximum monthly salary, exclusive of allowances amounts to eight hundred rupees or more.

Restriction on appointment of permanent officers and servants.

347. No permanent officer or servant shall be entertained in any department of the Transport Undertaking unless his office and emoluments are included in the statement at the time being in force prepared and sanctioned under section 346.

Creation of temporary posts.

348. (*1*) The Transport Manager may create temporary posts carrying a monthly salary, exclusive of allowances, not exceeding two hundred rupees for a period of not more than six months and no such posts shall be continued beyond such period without the previous sanction of the Transport Committee.

(*2*) The Transport Committee may create temporary posts carrying a monthly salary, exclusive of allowances, exceeding two hundred rupees for a period of not

more than six months. The Committee shall forthwith report to the Corporation the creation of every such post and no such post shall be continued beyond a period of six months without the previous sanction of the Corporation.

349. Subject to the provisions of sections 347 and 348, the power of appointing municipal officers and servants for the purposes of the Transport Undertaking shall vest in the Transport Manager if the minimum monthly salary, exclusive of allowances, is less than two hundred rupees and in the Transport Committee in all other cases. Power of appointment in whom to vest.

350. (*1*) Subject to the provisions of the regulations, the Transport Manager may grant leave of absence to any officer or servant the power to appoint whom vests in him and for a period not exceeding three months to any other officer or servant appointed under the provisions of this Chapter. Leave of absence.

(*2*) The Transport Committee may grant leave of absence for a period exceeding three months to any officer or servant appointed by the Committee.

REVENUE AND EXPENDITURE.

The Transport Fund.

351. Except as provided in section 91 all moneys received by or on behalf of the Corporation in respect of the operations of the Transport Undertaking shall be credited to a fund which shall be called "the City of———Transport Fund" and which shall, subject to the provisions herein contained, be held by the Corporation in trust for the purposes of the said undertaking. Constitution of Transport Fund.

352. All moneys payable to the credit of the Transport Fund shall be received by the Transport Manager and shall be forthwith paid into the Imperial Bank of India or such other bank or banks as the Corporation may, with due sanction, have selected under section 83, to the credit of an account which shall be styled "the account of the City of———Transport Fund": Transport Manager to receive payments on account of Transport Fund and to lodge them in bank.

Provided that the Transport Manager may, subject to any general or special directions issued by the Transport Committee, retain such balances in cash as may be necessary for the operations of the Transport Undertaking.

353. (*1*) No payment shall be made by the bank aforesaid out of the Transport Fund except on a cheque signed by two persons in the manner specified below, namely:— How Transport Fund shall be drawn against.

(*a*) by the Commissioner or by the Transport Manager or in the absence of both by a municipal officer whose name appears in a list of officers authorised to sign cheques approved by the Transport Committee;

(*b*) by a municipal officer whose name appears in the said list, other than an officer who may have signed the cheque under clause (*a*).

(*2*) Payment of any sum due by the Corporation-out of the Transport Fund in excess of one hundred rupees or such higher amount as the Transport Committee from time to time fixes generally or for any specified class of payments shall be made by means of a cheque signed as aforesaid and not in any other way.

(*3*) Payments not covered by sub-section (*2*) may be made by the Transport Manager in cash, and cheques for sums not in excess of two thousand rupees each, signed as aforesaid, may be drawn from time to time to cover such payments.

Deposit of portion of Transport Fund may be made with bank or agency out of City when convenient.

354. Notwithstanding anything contained in sections 352 and 353, the Transport Manager may, with the previous approval of the Transport Committee, from time to time, remit to and deposit with a bank or other agency at any place beyond the City any portion of the Transport Fund, and any moneys payable to the credit of the Transport Fund or chargeable there-against, which can, in the opinion of the Transport Manager, be most conveniently paid into or out of the account of the Fund at any such bank or agency may be so paid.

Only sums covered by budget grant to be expended from Transport Fund.

355. (*1*) Except as hereinafter provided, no payment of any sum shall be made by the Transport Manager out of the Transport Fund, unless the expenditure of the same is covered by a current budget-grant, and sufficient balance of such budget-grant is still available, notwithstanding any reduction or transfer thereof which may have been made under the rules.

(*2*) The following items shall be excepted from the prohibition in sub-section (*1*) namely :—

(*a*) sums of which the expenditure has been sanctioned by the Transport Committee under section 102 ;

(*b*) repayments of moneys belonging to contractors or other persons held in deposit and of moneys collected or credited to the Transport Fund by mistake ;

(*c*) sums which the Transport Manager is under the provisions of this Act or any other enactment required or empowered to pay by way of compensation ;

(*d*) costs incurred by the Transport Manager under section 67 ;

(*e*) any sum required to make good to the Municipal Fund any payment made by the Commissioner out of the Municipal Fund under the provisions of section 86 for the purpose of the Transport Undertaking.

Procedure when money not covered by budget grant is expended under clause (*c*), (*d*) or (*e*) of sub-section (*2*) of section 355.

356. Whenever any sum is expended by the Transport Manager under clause (*c*), (*d*) or (*e*) of sub-section (*2*) of section 355 he shall forthwith communicate the circumstances to the Transport Committee who shall take such action under the rules or recommend to the Corporation to take such action as shall, in the circumstances, appear possible and expedient for covering the amount of the additional expenditure.

Purposes for which Transport Fund is to be applied.

357. The moneys from time to time credited to the Transport Fund shall be applied in payment of all sums, charges and costs necessary for the purposes of acquiring, maintaining, operating and improving the Transport Undertaking and of carrying into effect the provisions of this Chapter, or of which the payment shall be duly directed or sanctioned by or under any of the provisions of this Act, inclusive of :—

(*a*) the repayment to the Municipal Fund of any amount disbursed therefrom for the purposes of the Transport Undertaking, including the cost of, or reasonable charges for, all supplies provided and services rendered for any such purposes by the Commissioner at the charge of the Municipal Fund ;

(*b*) the payment to the Municipal Fund of a sum of money equivalent to the sum which would have been payable under this Act on account of municipal taxes in respect of lands and buildings and other properties, moveable and immovable, of the Transport Undertaking if the said lands, buildings and other properties had not vested in the Corporation ;

(*c*) the payment of fees to the Chairman and members of the Transport Committee, and the salary and allowances of the Transport Manager ;

(*d*) the payment of salaries and allowances of all municipal officers and servants appointed under the provisions of this Chapter and all contributions to provident

funds, pensions, gratuities and compassionate allowances payable under the provisions of this Chapter or of the regulations or of any statement framed under this Act for the time being in force ;

(*e*) the payment of all expenses and costs incurred by the Transport Manager in the exercise of any power or the discharge of any duty conferred or imposed upon him for the purposes of, or in connection with, the Transport Undertaking under the provisions of this Act or of any other enactment, including moneys which he is required or empowered to pay by way of compensation ;

(*f*) the payment of every sum payable under a decree or order of a civil or criminal court passed against the Corporation or against the Commissioner or the Transport Manager *ex-officio* in any proceeding arising out of the acquisition, maintenance or operation of the Transport Undertaking, or under a compromise effected under section 481 of any suit or other legal proceeding or claim arising out of such acquisition, maintenance or operation ;

(*g*) every sum required by the provisions of section 359 or 360 to be transferred to the Municipal Fund ;

(*h*) every sum chargeable under section 108.

Investment of surplus moneys.

358. (*1*) Surplus moneys at the credit of the Transport Fund which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised for the purposes of the Transport Undertaking may be, from time to time, deposited at interest in the Imperial Bank of India or such other bank as the Corporation may with due sanction have selected under section 83.

(*2*) All such deposits and investments shall be made by the Transport Manager on behalf of the Corporation, with the sanction of the Transport Committee, and, with the like sanction, the Transport Manager may at any time withdraw any deposit so made or dispose of any securities and re-deposit or re-invest the money so withdrawn, or the proceeds of the disposal of such securities.

(*3*) The loss, if any, arising from any such deposit or investment shall be debited to the Transport Fund.

Payments out of Surplus Balance.

Fixed annual payment to Municipal Fund.

359. (*1*) Out of the balance of income over expenditure remaining at credit of the Revenue Account of the Transport Fund at the close of each official year, after defraying or making allowance for all charges, costs and expenses payable out of the revenue of the said Fund and allowing for the retention of the cash balance specified in, or for the time being fixed under, section 98 to the credit of the said Fund, there shall be transferred to the credit of the Municipal Fund the amount provided in sub-section (*2*) :

Provided that if the balance at credit of the said Revenue Account, after allowing for the matters aforesaid, is less than the amount provided in sub-section (*2*), the whole of such balance shall be transferred to the Municipal Fund and any deficit shall be made good to the Municipal Fund out of the Revenue Reserve Fund maintained under section 360 and if the deficit still remains, it shall be made good to the Municipal Fund out of the balance available at credit of the Revenue Account of the next or any subsequent year after allowing for all the matters aforesaid and for the amount provided in sub-section (*2*) in respect of that year.

(*2*) The amount to be transferred to the Municipal Fund under sub-section (*1*) shall be in respect of each official year such sum as the Corporation, before the beginning of that year, may determine.

(*3*) The sum to be transferred under sub-section (*1*) shall be paid into any bank with which the Municipal Fund is deposited to the credit of the said Fund by means

of a cheque drawn upon the Transport Fund not later than the thirtieth day of June immediately following the close of the year in which the balance out of which the transfer is due to be made accrues.

Disposal of surplus balance of revenue.

360. (*1*) If after making allowance for the matter mentioned in section 359 there remains any further surplus balance of income over expenditure at credit of the Revenue Account of the Transport Fund, such surplus shall be disposed of as follows :—

(*a*) 30 per cent. of the surplus shall be credited under a separate heading in the accounts maintained under section 361 to a special fund to be called 'the Revenue Reserve Fund', unless the balance in the said Revenue Reserve Fund, with such credit, would exceed such sum as the Corporation shall with the sanction of the Provincial Government fix, in which case only such sum, if any, as is required to bring the balance to the sum so fixed shall be so credited and the remainder of the surplus, up to 30 per cent. thereof, shall be added in equal shares to the amounts credited or transferred under clauses (*b*), (*c*) and (*d*);

(*b*) 30 per cent. of the surplus and such additional amount as may be available under clause (*a*) shall be credited under a separate heading in the accounts maintained under section 361 to a special fund called 'the Transport Betterment Fund';

(*c*) 25 per cent. of the surplus and such additional amount as may be available under clause (*a*) shall be transferred to the Municipal Fund for credit to the Welfare Fund constituted under the rules; and,

(*d*) 15 per cent. of the surplus and such additional amount as may be available under clause (*a*) shall be transferred to the Municipal Fund.

(*2*) The Revenue Reserve Fund shall be applied to the following purposes :—

(*i*) in making good or in reduction of any deficit in the amount to be transferred in any year to the Municipal Fund under section 359; and

(*ii*) in meeting any charges to be defrayed out of the Transport Fund to the extent to which the balance available in the Fund is insufficient for the purpose.

(*3*) The Transport Betterment Fund shall be applied to improvements in the services, amenities and facilities provided for the public by the Transport Undertaking.

(*4*) The amounts to be transferred to the Municipal Fund under clauses (*c*) and (*d*) of sub-section (*1*) shall be paid into any bank with which the Municipal Fund is deposited to the credit of the said Fund by means of cheques drawn upon the Transport Fund not later than the thirtieth day of June immediately following the close of the official year in which the transfers are due to be made.

Accounts.

Accounts of the Transport Undertaking.

361. Accounts of the receipts and expenditure of the Corporation on account of the Transport Undertaking and of the properties vested or vesting in the Corporation for the purposes of the said Undertaking shall be kept in such manner and in such forms as the Transport Committee shall from time to time prescribe.

Preparation of annual administration report and statement of accounts.

362. (*1*) The Transport Manager shall, as soon as may be after each first day of April, have prepared a detailed report of the administration of the Transport Undertaking during the previous official year, together with a statement showing the amount of the receipts and disbursements respectively credited and debited to the Transport Fund during the said year and the balance at the credit of the Fund at the close of the said year as also an account of the balances due on loans and shall submit the same to the Transport Committee.

(*2*) After an examination and review of the report and statement by the Transport Committee, a copy of the report together with a copy of the Committee's review shall be forwarded to the usual or last known address of each councillor and copies thereof shall be delivered to any person requiring the same on payment of such reasonable fee for each copy as the Transport Manager, with the previous approval of the Transport Committee, shall determine.

CHAPTER XXI.

VITAL STATISTICS.

Registration of Births and Deaths.

363. (*1*) The Medical Officer of Health shall be the Registrar General of the City for the purpose of registering births and deaths. **Appointment of Registrars.**

(*2*) The Commissioner may, in consultation with the Registrar General—

(*a*) divide the City into such and so many divisions as he may from time to time think fit;

(*b*) nominate for each such division a municipal officer to be the registrar of births and deaths; and

(*c*) appoint for each registrar a suitable station as his office within the division for which he is appointed.

364. (*1*) Such particulars as the Commissioner may from time to time specify regarding births and deaths shall be entered in separate register books of births and register books of deaths which shall be maintained by the Registrar General or, if the City has been divided into divisions, by the Registrar of each division. **Register books to be maintained.**

(*2*) The Commissioner shall specify the forms of the registers required to be maintained under sub-section (*1*) and the manner in which such registers shall be maintained.

365. (*1*) It shall be the duty of the Registrar General or, if the City is divided into divisions under section 363, of the Registrar of each division to inform himself carefully of every birth and death which shall happen in the City or in his division, as the case may be, and of the particulars concerning the same required to be registered under section 364, and shall, as soon after each such birth or death as conveniently may be, register the same in the book maintained for the purpose without making any charge or demanding or receiving any fee or reward for so doing other than his remuneration as a municipal officer. **Registrars to inform themselves of all births and deaths.**

(*2*) Other municipal officers, besides the Registrar General and the Registrars, may be appointed, with the duty of informing themselves of every birth or of every death or of every birth and every death in the division to which they are respectively appointed and of the particulars concerning the same required to be registered, and of submitting such information to the Registrar General or the Registrar of the said division, as the case may be, or to such other person as the Commissioner directs.

366. It shall be the duty of the father and mother of every child born in the City and, in default of the father and mother, of the occupier of the premises in which to his knowledge the child is born, and of each person present at the birth and of the **Information of birth to be given within seven days.**

person having charge of the child, to give, to the best of his knowledge and belief, to the Registrar General or, if the City has been divided into divisions, to the Registrar of the division or to a municipal officer appointed under section 365 within seven days after such birth information of the particulars required to be registered concerning such birth :

Provided that—

(*a*) in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the Registrar General or Registrar, as the case may be, shall not enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother ;

(*b*) a person required to give information only in default of some other person shall not be bound to give such information if he believed and had reasonable grounds for believing that such information had been given ;

(*c*) when a child is born in any hospital, the officer in charge thereof shall be bound to forward forthwith to the Registrar General or Registrar, as the case may be, a report of such birth in such form as the Registrar General may from time to time specify.

Information respecting finding of new-born child to be given.

367. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, to the Registrar General or Registrar or other municipal officer aforesaid, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses.

Information of death to be given.

368. (*1*) It shall be the duty of the nearest relative of any person dying in the City present at the death, or in attendance during the last illness, of the deceased and, in default of such relative, of each person present at the death, and of the occupier of the premises in which, to his knowledge, the death took place, and, in default of the persons hereinbefore in this section mentioned, of each inmate of such premises to give to the best of his knowledge and belief to the Registrar General or, if the City has been divided into divisions under section 363, to the Registrar of the division in which the death took place or to an officer appointed under section 365 information of the particulars required to be registered concerning such death within twenty four hours of its occurrence :

Provided that if the cause of death is known to be a dangerous disease the information aforesaid shall be given within twelve hours of its occurrence.

Medical practitioner who attended a deceased person to certify cause of his death.

369. In the case of a person who has been attended in his last illness by a duly qualified medical practitioner, that practitioner shall within three days of his becoming cognisant of the death of such person sign and forward to the Registrar General a certificate of the cause of such person's death, in such form as shall from time to time be prescribed by the Commissioner in this behalf, and the cause of death as stated in such certificate shall be entered in the register, together with the name of the certifying medical practitioner.

Correction of errors in registers of births or deaths.

370. (*1*) Any clerical error which may at any time be discovered in a register of births or in a register of deaths may be corrected by any person authorised in that behalf by the Commissioner.

(*2*) An error of fact or substance in any such register may be corrected by any person authorised as aforesaid by entry in the margin, without any alteration of the original entry, upon production to the Commissioner, by the person requiring

such error to be corrected, of a declaration on oath setting forth the nature of the error and the true facts of the case, made before a Magistrate by two persons required by this Act to give information concerning the birth or death with reference to which the error has been made or, in default of such persons, by two credible persons having knowledge of the case, and certified by such Magistrate to have been made in his presence.

(*3*) Except as aforesaid no alteration shall be made in any such register.

Registration of name of child or of alteration of name.

371. (*1*) When the birth of any child has been registered and the name, if any, by which it was registered, is altered or, if it was registered without a name, when a name is given to it, the parent or guardian of such child or other person procuring such name to be altered or given may, within twelve months next after the registration of the birth, deliver to the Registrar General or, if the City is divided into divisions under section 363, to the Registrar of the division in which the birth was registered, such certificate as hereinafter mentioned, and the Registrar General or Registrar upon the receipt of that certificate shall, without any erasure of the original entry, forthwith enter in the register-book the name mentioned in the certificate as having been given to the child.

(*2*) The certificate shall be in such form as the Commissioner may from time to time prescribe, and, in the case of a Christian, shall be signed by the minister or person who performed the rite of baptism upon which the name was given or altered, or, if the child is not baptised or is not a Christian, shall be signed by the father, mother or guardian of the child or other person procuring the name of the child to be given or altered.

(*3*) Every minister or person who performs the rite of baptism shall deliver the certificate required by this section on demand, on payment of a fee not exceeding one rupee.

CHAPTER XXII.

LICENCES AND PERMITS.

I. *Licensing of Surveyors, Architects or Engineers, Structural Designers, Clerks of Works and Plumbers.*

Grant of licenses to Architects or Engineers, Structural Designers, Plumbers and Clerks of Works.

372. (*1*) The Commissioner may grant to any person he thinks fit a renewable licence for a period of one year to act as (*i*) Surveyor, (*ii*) an Architect or Engineer, (*iii*) Structural Designer, (*iv*) Clerk of Works, or (*v*) a Plumber for the purposes of this Act.

(*2*) No licence shall be granted under sub-section (*1*) unless the person has the qualifications or experience, or both, as may be prescribed by by-laws.

(*3*) No application for a licence shall be refused if the applicant has the qualifications and experience prescribed by by-laws except upon the ground that the applicant is unfit, through incompetency, misconduct or other grave reason, to hold such licence.

(*4*) If the Commissioner refuses any application for a licence under sub-section (*3*), he shall, at the request of the applicant, furnish such applicant with his reasons for such refusal in writing under his signature without charge.

Orders may be prescribed for guidance of Surveyors, etc.

373. (*1*) The Commissioner may with the approval of the Standing Committee from time to time issue orders for the guidance of Licensed Surveyors, Architects or Engineers, Structural Designers, Clerks of Works and Plumbers respectively.

(*2*) Copies of all orders so prescribed for the time being in force shall be kept on sale at the municipal head office at such price as the Commissioner may fix and a copy thereof shall be kept available for inspection at all reasonable times at such office.

Fees and charges of licensed plumbers to be prescribed by Standing Committee.

374. The Standing Committee may from time to time prescribe the fees or charges to be paid to licensed plumbers for any work done by them under or for any purpose of this Act, and no licensed plumber shall demand or receive more than the fee or charge so prescribed for any such work.

Licensed plumber to be bound to execute work properly.

375. No licensed plumber shall execute any work under this Act carelessly or negligently or make use of any bad material, appliance or fitting for the purpose of such work.

II. *Trade licences and other licences for keeping animals and certain articles.*

Certain things not to be kept, and certain trades and operations not to be carried on, without licence.

376. (*1*) Except under and in conformity with the terms and conditions of a licence granted by the Commissioner, no person shall—

(*a*) keep in or upon any premises any article specified in the rules—

(*i*) in any quantity or in excess of the quantity specified in the rules as the maximum quantity of such article which may at one time be kept in or upon the same premises without a licence, and

(*ii*) for any purpose whatever or for sale or for other than domestic use as may be specified in the case of each article in the rules ;

(*b*) keep in or upon any building intended for or used as a dwelling or within fifteen feet of such building cotton, in pressed bales or boras or loose, in quantity exceeding four hundred-weight ;

(*c*) keep, or allow to be kept, in or upon any premises, horses, cattle or other fourfooted animals—

(*i*) for sale,

(*ii*) for letting out on hire,

(*iii*) for any purpose for which any charge is made or any remuneration is received, or

(*iv*) for sale of any produce thereof ;

(*d*) carry on, or allow to be carried on, in or upon any premises—

(*i*) any of the trades or operations connected with any trade specified in the rules ;

(*ii*) any trade or operation which in the opinion of the Commissioner is dangerous to life or health or property, or likely to create a nuisance either from its nature, or by reason of the manner in which, or the conditions under which, the same is, or is proposed to be, carried on ;

(*e*) carry on within the City, or use any premises for, the trade or operation of a farrier.

(*2*) A person shall be deemed to have known that a trade or operation is, in the opinion of the Commissioner, dangerous or likely to create a nuisance within the meaning of paragraph (*ii*) of clause (*d*) of sub-section (*1*), after written notice to that effect, signed by the Commissioner, has been served on such person or affixed to the premises to which it relates.

(*3*) A person shall be deemed to carry on or to allow to be carried on a trade or operation within the meaning of clause (*d*) of sub-section (*1*) if he does any act in furtherance of such trade or is in any way engaged or concerned therein whether as principal, agent, clerk, master, servant, workman, handicraftsman or otherwise.

(*4*) When any premises are used in the manner described in clause (*c*) or (*d*) of sub-section (*1*) it shall be presumed, until the contrary is proved, that the owner or occupier of such premises, or both the owner and occupier have permitted such use.

(*5*) It shall be in the discretion of the Commissioner—

(*a*) to grant any licence referred to in sub-section (*1*) subject to such restrictions or conditions (if any) as he shall think fit to prescribe, or

(*b*) to withhold any such licence.

(*6*) Every person to whom a licence is granted by the Commissioner under sub-section (*3*) shall keep such licence in or upon the premises, if any, to which it relates.

(*7*) The Commissioner may at any time by day or night enter or inspect any premises for the use of which a licence has been granted under this section.

(*8*) Nothing in this section shall be deemed to apply to mills for spinning or weaving cotton, jute, wool or silk, or to any other large mill or factory which the Commissioner may from time to time with the approval of the Standing Committee specially exempt from the operation thereof.

III. *Licences for sale in municipal markets.*

377. (*1*) No person shall, without a licence from the Commissioner, sell or expose for sale any animal or article in any municipal market. Prohibition of sale in municipal markets without licence of Commissioner.

(*2*) Any person contravening this section may be summarily removed by the Commissioner or by any municipal officer or servant.

IV. *Licences for private markets.*

378. (*1*) No person shall without, or otherwise than in conformity with the terms of, a licence granted by the Commissioner in this behalf— Private markets not to be kept open without licence.

(*a*) keep open, or permit to be kept open, a private market;

(*b*) use or permit to be used any place in the City as a slaughter-house or for the slaughtering of any animal intended for human food;

(*c*) use or permit to be used any place without the City, whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human food to be consumed in the City:

Provided that—

(*i*) the Commissioner shall not refuse a licence for keeping open a private market lawfully established at the appointed day if application for such licence is made within two months thereof except on the ground that the place where the market is held fails to comply with any requirement of this Act or of the rules, by-laws or standing orders;

(*ii*) the Commissioner shall not cancel or suspend or refuse to renew any licence for keeping open a private market for any cause other than the failure of the owner thereof to comply with some provision of this Act, or with some standing order or with some by-law;

(*iii*) the Commissioner may cancel or suspend any licence for failure of the owner of a private market to give in accordance with the conditions of his

licence a written receipt for any stallage, rent, fee, or other payment received by him or his agent from any person for the occupation or use of any stall, shop standing, shed, pen or other place therein ;

(*iv*) nothing in this section shall be deemed to prevent the Commissioner from granting written permission for the slaughter of an animal in any place that he thinks fit, on the occasion of any festival or ceremony or under special circumstances.

(*2*) When the Commissioner has refused, cancelled or suspended any licence to keep open a private market, he shall cause a notice of his having so done to be affixed in such language or languages as the Corporation may from time to time specify on some conspicuous spot on or near the building or place where such market has been held.

Prohibition of sale in unauthorized private markets.

379. No person who knows that any private market has been established without the sanction of the Commissioner, or is kept open after a licence for keeping the same open has been refused, cancelled or suspended by the Commissioner, shall sell or expose for sale therein any animal or articles of human food, or any live-stock or food for live-stock.

Slaughter of animals for skins.

380. No person shall slaughter any cattle, horses, sheep, goats or pigs for removing the skin thereof or cut up the carcass of any such animal at any place outside a municipal slaughter-house or a licensed slaughter-house otherwise than in conformity with the written permission of the Commissioner.

V. *Licences for sale of Articles of Food outside of Markets.*

Prohibition of sale of animals, etc., except in market.

381. No person shall, without a licence from the Commissioner, sell or expose for sale—

(*a*) any four-footed animal or any meat or fish intended for human food, in any place other than a municipal or private market ;

(*b*) ices and ærated waters, kulfi, sugar-cane juice, cut or peeled fruit and vegetables, any confectionery or sweetmeats whatsoever or such other cooked food or other articles intended for human consumption as may from time to time by public notice be specified by the Commissioner, in any place other than a municipal or private market or licensed eating house or sweetmeat shop.

VI. *Licensing of Butchers, etc.*

Butchers and persons who sell flesh of animals to be licensed.

382. No person shall without, or otherwise than in conformity with the terms of, a licence granted by the Commissioner in this behalf—

(*a*) carry on within the City, or at any municipal slaughter-house, the trade of a butcher ;

(*b*) use any place in the City for the sale of the flesh of any animal intended for human consumption or any place without the City for the sale of such flesh for consumption in the City.

VII. *Licences for dairy products.*

Licence required for dealing in dairy produce.

383. No person shall without, or otherwise than in conformity with the terms of, a licence granted by the Commissioner in this behalf—

(*a*) carry on within the City the trade or business of a dairyman,

(*b*) use any place in the City as a dairy or for the sale of any dairy produce.

VIII. *Licences for hawking, etc.*

384. Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall use any public place or any public street for the purpose of hawking or exposing for sale, any article whatsoever, whether it be for human consumption or not. Licences for sale in public places.

385. Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall, for purposes of gain, use any public place or public street for the purpose of using his skill in any handicraft or in rendering services to and for the convenience of the public. Licences for use of skill in handicraft or rendering services for purposes of gain in public place or street.

IX. *General provisions regarding licences and permits.*

386. (*1*) Whenever it is provided by or under this Act that a licence or a written permission may be given for any purpose, such licence or written permission shall specify the period for which, and the restrictions and conditions subject to which, the same is granted and the date by which an application for the renewal of the same shall be made and shall be given under the signature of the Commissioner or of a municipal officer empowered under section 69 to grant the same. General provisions regarding grant, suspension or revocation of licences and written permissions and levy of fees, etc.

(*2*) Except as may otherwise be provided by or under this Act, for every such licence or written permission a fee may be charged at such rate as shall from time to time be fixed by the Commissioner, with the sanction of the Corporation.

(*3*) Subject to the provisions of the proviso to sub-section (*1*) of section 378, any licence or written permission granted under this Act may at any time be suspended or revoked by the Commissioner, if he is satisfied that it has been secured by the holder through misrepresentation or fraud or if any of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted, or if the said person is convicted of an infringement of any of the provisions of this Act or of any rule, by-law or standing order in any matter to which such licence or permission relates.

(*4*) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or written permission, until the Commissioner's order for suspending or revoking the licence or written permission is cancelled by him or until the licence or written permission is renewed, as the case may be:

Provided that, when an application has been made for the renewal of a licence or permission by the date specified therein, the applicant shall be entitled to act as if it has been renewed, pending the receipt of orders.

(*5*) Every person to whom any such licence or written permission has been granted shall, at all reasonable times, while such written permission or licence remains in force, if so required by the Commissioner, produce such licence or written permission.

(*6*) Every application for a licence or permission shall be addressed to the Commissioner.

(*7*) The acceptance by or on behalf of the Commissioner of the fee for a licence or permission shall not in itself entitle the person paying the fee to the licence or permission.

CHAPTER XXIII.

POWER OF ENTRY AND INSPECTION.

Power of entry and inspection.

387. (*1*) The Commissioner may enter into or upon any premises, with or without assistants or workmen, which he is empowered by or under the provisions of this Act or the rules to enter or inspect or in order to make any inspection, survey, measurement, valuation or inquiry or to execute any work which is authorised by or under this Act or which it is necessary for any of the purposes, or in pursuance of any of the provisions, of this Act or of any rules, by-laws, regulations or standing orders thereunder to make or execute.

(*2*) Without prejudice to the generality of the provisions of sub-section (*1*), the Commissioner or any municipal officer or servant authorised by him in this behalf shall have power to enter and inspect any place or article in the following cases, namely :—

(*a*) any stable, garage, coach house or any place where any vehicle, boat or animal liable to tax is kept—under section 145 ;

(*b*) any land whereon any municipal drain has been or is proposed to be constructed—under section 155 ;

(*c*) any land belonging to any person for the purpose of emptying his own drain into a municipal drain—under sections 159, 161, 167 and 168 ;

(*d*) any land whereon shafts or pipes for ventilating drains are required to be fixed—under section 175 ;

(*e*) drains, ventilators, shafts, pipes, cess-pools, latrines, urinals, bathing and washing places—under section 181 ;

(*f*) any land which provides access to any municipal water work—under section 191 ;

(*g*) any premises which are suspected to have been used for any trade or keeping any article in contravention of section 376 ;

(*h*) any premises for the use of which a licence is required and has been granted under the provisions of this Act ;

(*i*) any building during its erection or any work during its execution ;

(*j*) any premises which are provided by the Corporation for the residence of municipal officers and servants.

Time of making entry.

388. (*1*) No such entry shall be made within sunset and sunrise :

Provided that in any case in which it has been expressly provided by or under this Act such entry may be made by day or night.

(*2*) Except as otherwise expressly provided by or under this Act, no building used as a human dwelling shall be entered unless with the consent of the occupier thereof without giving him at least six hours' notice in writing of the intended entry and, except when it is deemed inexpedient to mention the purpose thereof, of such purpose.

(*3*) When such premises may otherwise be entered without notice, sufficient notice shall be given in every instance to enable the inmates of any apartment appropriated to females to remove themselves.

(*4*) Due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

(5) No claim shall lie against any person for compensation for any damage necessarily caused by an entry under sub-section (7) of section 376 or by the use of any force necessary for effecting such entry.

CHAPTER XXIV.

COMPENSATION.

Doing minimum damage in certain cases.

389. (1) In the exercise of the powers under the following provisions of this Act by the Commissioner or any other municipal officer or servant or any other person authorised by or under this Act to execute any work, as little damage as can be shall be done and compensation assessed in the manner prescribed by or under this Act shall be paid to any person who sustains damage in consequence of the exercise of such powers, namely :—

(a) carrying any municipal drain through, across or under any street or any place laid out as or intended for a street or across any cellar or vault under any street—under sub-section (1) of section 155 ;

(b) entering upon and constructing any new drain or repairing or altering any municipal drain already constructed—under sub-section (2) of section 155 ;

(c) affixing of pipes or shafts for the purpose of ventilation of any drain or cesspool to any building or tree—under sub-section (1) of section 175 ;

(d) opening of any ground, any portion of a drain, any portion of a building or any work exterior to a building—under section 182 ;

(e) entering upon, and passing through any land in the vicinity of a water work or conveying or causing to be conveyed men, materials and tools through such land—under section 191 ;

(f) acquiring any building or land required for a public street—under section 216;

(g) removing or altering a structure or fixture—under sub-section (4) of section 226, sub-section (3) of section 227 and section 232 ;

(h) the rounding or splaying of a building at the corner of two or more streets —under section 243 ;

(i) cutting into, laying open or pulling down any building or work—under section 261 ;

(j) the demolition of an obstructive building—under section 304 ;

(k) the destruction of an insanitary hut or shed—under section 317 ;

(l) the destruction of any property in exercise of the powers vested in the Commissioner for preventing a dangerous or infectious disease—under section 319;

(m) the exercise of powers or execution of any work in regard to which no express provision occurs in the Act, rules or by-laws for the payment of compensation.

(2) If in the exercise of the powers under section 191 damage is caused by an act of an officer of the Provincial Government, compensation shall be payable by the Provincial Government.

Commissioner to determine compensation.

390. Subject to the provisions of this Act, the Commissioner or such other officer as may be authorised by him in this behalf shall, after holding such inquiry as he thinks fit, determine the amount of compensation to be paid under section 389.

Appeal

391. Any person aggrieved by the decision of the Commissioner or other officer under section 390 may, within a period of one month, appeal to the Judge in accordance with the provisions of Chapter XXVI.

CHAPTER XXV.

PENALTIES.

Certain offences punishable with fine.

392. (*1*) Whoever—

(*a*) contravenes any provision of any of the sections, sub-sections or clauses mentioned in the first column of Part I of the table in Appendix II or of any regulation or order made thereunder, or

(*b*) fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses,

shall be punished, for each such offence, with fine which may extend to the amount mentioned in that behalf in the second column of the said Part.

(*2*) Whoever, after having been convicted of—

(*a*) contravening any provision of any of the sections, sub-sections or clauses mentioned in the first column of Part II of the table in Appendix II or of any regulation or order made thereunder, or

(*b*) failing to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses,

continues to contravene the said provision or to neglect to comply with the said requisition or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, or fails to vacate any premises shall be punished, for each day that he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the second column of the said Part.

Offences punishable under the Penal Code.

393. (*1*) Whoever contravenes any provision of any of the sections, sub-sections or clauses of this Act mentioned in the first column of the following table or of any regulation or order made thereunder, and whoever fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses, shall be deemed to have committed an offence punishable under the section of the Indian Penal Code respectively specified in the second column of the said table as the section of the said Code under which such person shall be punishable, namely :— XLV of 1860.

Sections of this Act.	Sections of the Indian Penal Code under which offenders are punishable.
194 (*2*), 311, clauses (*a*), (*b*), (*c*) and (*d*), 312.	277
319	188
477	177

(*2*) Whoever being the owner or occupier of a building fails to comply with any notice in writing given by the Commissioner under any of the provisions of this Act not referred to in sub-section (*1*) calling for particulars or information in connection with the preparation of the list of voters at ward elections or the municipal election roll or who furnishes particulars or information which he knows to be false or incorrect shall be deemed to have committed an offence punishable under section 176 or section 177 of the Indian Penal Code, as the case may be. XLV of 1860.

(*3*) Any candidate who is elected councillor for more than one ward at contested ward elections and who fails to comply with a written notice lawfully given by the Commissioner requiring him to choose for which of the wards he shall serve shall be deemed to have committed an offence punishable under section 177 of the Indian Penal Code.

XLV of 1860.

(*4*) Whoever fails to comply with a lawful requisition, notice or order of the Commissioner for information or a written return relative to the determination of the rateable value of any building or to the levy or assessment of any municipal tax or whoever furnishes information or makes a return which he knows to be false, incorrect or misleading shall be deemed to have committed an offence punishable under section 176 or section 177 of the Indian Penal Code, as the case may be.

XLV of 1860.

394. Any officer or servant of the Corporation who knowingly prepares or makes an entry in the list of persons qualified to be enrolled as voters at ward elections which is incorrect or false shall, on conviction, be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Punishment for offences of preparing false election rolls.

395. Any councillor or any member of the Transport Committee who is not a councillor who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the Corporation, not being a share or interest such as, under section 10, it is permissible for a councillor to have without being thereby disqualified for being a councillor, and any Commissioner, Transport Manager, municipal officer or servant who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the Corporation, not being a share or interest such as, under sub-clause (*ii*) or (*iv*) of sub-section (*2*) of section 10, it is permissible for a councillor to have without being thereby disqualified for being a councillor, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code.

Punishment for acquiring share or interest in contract etc., with Corporation.

XLV of 1860.

396. Whoever acts or abets the commission of an act which is in contravention of the provisions of section 61 or 62 shall, on conviction, be punished with imprisonment of either description for a term which may extend to one year or with fine or with both.

Punishment for breach of section 61 or 62.

397. (*1*) Whoever contravenes any provision of sub-section (*1*) of section 194 shall, on conviction, be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees or with both.

Punishment for offences against section 194.

(*2*) When any person is convicted under sub-section (*1*) the Magistrate who convicts him may order the immediate removal of any building, or the immediate discontinuance of the operation or use of land, in respect of which such conviction has been held.

(*3*) If any order made under sub-section (*2*) is disobeyed or the execution thereof resisted, the offender shall, on conviction, be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees or with both.

398. Where any vehicle, animal or goods imported into the limits of the City are liable to the payment of toll or octroi any person who, with the intention of defrauding the Corporation, causes or abets the introduction of or himself introduces or attempts to introduce within the limits of the City any such vehicle, animal or goods upon which payment of the toll or octroi due on such introduction has neither been made nor tendered, shall, on conviction, be punished with fine which may extend to ten times the amount of such toll or octroi or to two hundred and fifty rupees, whichever may be greater.

Penalty for evasion of octroi or toll.

General penalty.

399. Whoever contravenes any provision of this Act or rule, by-law, regulation, standing order, licence, permission or notice issued thereunder or fails to comply with any requisition lawfully made under any such provision shall, if no penalty is provided in any other provision of this Act for such contravention or failure, be punished, for each such offence, with fine which may extend to one hundred rupees and with further fine which may extend to twenty rupees for every day on which such contravention or failure continues after the first conviction.

Extent of penal responsibility of agents and trustees of owners.

400. No person who receives the rent of any premises in any capacity described in paragraph (*i*), (*ii*) or (*iii*) of sub-clause (*a*) of clause (*45*) of section 2 shall be liable to any penalty under this Act for omitting to do any act as the owner of such premises, if he shall prove that his default was caused by his not having funds of, or due to, the owner sufficient to defray the cost of doing the act required.

Offence by companies, etc.

401. Where a person committing an offence under this Act, or any rule, by-law, regulation or standing order is a company, or a body corporate, or an association of persons (whether incorporated or not), or a firm, every director, manager, secretary, agent or other officer or person concerned with the management thereof, and every partner of the firm shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

Compensation payable by offenders against this Act for damage caused by them.

402. (*1*) If, on account of any act or omission, any person has been convicted of an offence against this Act or against any rule, regulation or by-law, and, by reason of such act or omission of the said person, damage has occurred to any property of the Corporation, compensation shall be paid by the said person for the said damage notwithstanding any punishment to which he may have been sentenced for the said offence.

(*2*) In the event of dispute, the amount of compensation payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence, and on non-payment of the amount of compensation so determined, the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor.

CHAPTER XXVI.

PROCEEDINGS BEFORE JUDGE, DISTRICT JUDGE AND MAGISTRATES.

I. *Election Inquiries.*

Procedure in election inquiries.

403. (*1*) If an application is made under section 16 for a declaration that any particular candidate shall be deemed to have been elected, the applicant shall make parties to his application all the candidates who were duly nominated for the seat or seats in the ward in question, whether or not the said candidates have been declared elected, and shall proceed against the candidate or candidates declared elected.

(*2*) The applicant shall, whenever so required by the Judge, deposit in the Court a sum of five hundred rupees in cash or Government securities of equivalent value at the market rate of the day as security for any costs which the applicant may be ordered to pay to other parties to the said application.

(*3*) If, after making such inquiry as he deems necessary, the Judge finds that the election of a returned candidate has been procured or induced or the result of the

election has been materially affected by any corrupt practice, or any corrupt practice has been committed in the interests of a returned candidate or the result of the election has been materially affected by the improper acceptance or rejection of any nomination or by reason of the fact that any person nominated was not qualified or was disqualified for election, or by the improper reception or refusal of a vote, or by the reception of a vote which is void, or by any non-compliance with the provisions of this Act or any rules made thereunder relating to the election, or by any mistake in the use of any prescribed form, or the election has not been a free election by reason of the large number of cases in which bribery or undue influence has been exercised or committed, he shall declare the election of the returned candidate to be void and if he does not so find he shall confirm the election of the returned candidate.

(*4*) All applications received under section 16—

(*a*) in which the validity of the election of councillors elected to represent the same ward is in question shall be heard by the same Judge, and

(*b*) in which the validity of the election of the same councillor elected to represent the same ward is in question shall be heard together.

(*5*) When the Judge declares the election of any candidate to be void, he shall direct that the candidate, if any, in whose favour the next highest number of valid votes is recorded after the candidate whose election is declared void or after all the candidates who were returned or elected and against whose election no cause of objection is found, shall be deemed to have been elected :

Provided that, if an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, one additional vote shall be added to the total number of valid votes found to have been recorded in favour of such candidate selected by lot drawn in the presence of the Judge in such manner as he may determine.

(*6*) The Judge's order under this section shall be conclusive.

(*7*) Every election not called in question in accordance with the foregoing provisions shall be deemed to have been to all intents a good and valid election.

404. (*1*) If the Judge sets aside an election of a candidate on the ground that a corrupt practice has been committed in the interest of such candidate, he shall declare such candidate to be disqualified for the purpose of any fresh election which may be held under this Act. Disqualification for election as councillor for certain election offences.

(*2*) If in any proceedings under section 16 the Judge finds that a corrupt practice has been committed within the meaning of that section by any person he may, if he thinks fit, declare such person to be disqualified for being elected and for being a councillor for such term of years not exceeding seven as he may fix :

Provided that no such declaration shall be made unless such person has been given a reasonable opportunity to be heard :

Provided further that the Provincial Government may by order in writing at any time relieve such person from such disqualification but, subject only to such order, the declaration by the Judge shall be conclusive.

II. *References to the Judge.*

References to the Judge.

405. In the following cases a reference shall be made to the Judge :—

(*1*) whether a councillor has ceased to hold office under section 12 ;

(*2*) whether a person has ceased to be a member of the Transport Committee under section 26 ;

(*3*) whether the Commissioner may be directed to remove a shaft or pipe on the application of the owner of a building or hut under section 175 ;

(*4*) regarding the amount of the price for the land required for setting forward a building under section 216 ;

(*5*) regarding the amount or payment of expenses for any work executed or any measure taken or things done under the orders of the Commissioner or any municipal officer under section 439 ;

(*6*) regarding the amount or payment of expenses or compensation and the apportionment thereof falling under any of the provisions of this Act or any rule or by-law thereunder not otherwise specifically provided for.

III. *Appeals against Valuations and Taxes.*

Appeals when and to whom to lie.

406. (*1*) Subject to the provisions hereinafter contained, appeals against any rateable value or tax fixed or charged under this Act shall be heard and determined by the Judge.

(*2*) No such appeal shall be heard unless—

(*a*) it is brought within fifteen days after the accrual of the cause of complaint ;

(*b*) in the case of an appeal against a rateable value a complaint has previously been made to the Commissioner as provided under this Act and such complaint has been disposed of ;

(*c*) in the case of an appeal against any tax in respect of which provision exists under this Act for a complaint to be made to the Commissioner against the demand, such complaint has previously been made and disposed of ;

(*d*) in the case of an appeal against any amendment made in the assessment book for property taxes during the official year, a complaint has been made by the person aggrieved within fifteen days after he first received notice of such amendment, and his complaint has been disposed of ;

(*e*) in the case of an appeal against a tax, or in the case of an appeal made against a rateable value after a bill for any property tax assessed upon such value has been presented to the appellant, the amount claimed from the appellant has been deposited by him with the Commissioner.

Cause of complaint when to be deemed to have accrued.

407. For the purposes of section 406, cause of complaint shall be deemed to have accrued as follows, namely—

(*a*) in the case of an appeal against a rateable value, on the day when the complaint made to the Commissioner against such value is disposed of ;

(*b*) in the case of an appeal against any tax referred to in clause (*c*) of sub-section (*2*) of the said section on the day when the complaint against the tax is disposed of by the Commissioner ;

(*c*) in the case of an appeal against any amendment made in the assessment book for property taxes during the official year, on the day when the complaint made to the Commissioner by the person aggrieved against such amendment is disposed of ;

(*d*) in the case of an appeal against a tax not covered by clause (*b*) above on the day when payment thereof is demanded or when a bill therefor is served.

408. Where any appeal against the rateable value or tax fixed or charged under this Act is pending and all the parties interested agree that any matter in difference between them shall be referred to arbitration, they may, at any time before a decision is given in such appeal, apply in writing to the Judge for an order of reference on such matter and on such application being made the provisions of the Arbitration Act, 1940, relating to arbitration in suits shall, so far as they can be made applicable, apply to such application and the proceedings to follow thereon, as if the said Judge were a Court within the meaning of that Act and the application were an application made in a suit. Arbitration.

X of 1940.

409. (*1*) If any party to an appeal against a rateable value makes an application to the Judge either before the hearing of the appeal or at any time during the hearing of the appeal, but before evidence as to value has been adduced, to direct a valuation of any premises in relation to which the appeal is made, the Judge may, in his discretion, appoint a competent person to make the valuation and any person so appointed shall have power to enter on, survey and value the premises in respect of which the direction is given : Appointment of expert valuer.

Provided that, except when the application is made by the Commissioner, no such direction shall be made by the Judge unless the applicant gives such security as the Judge thinks proper for the payment of the costs of valuation under this sub-section.

(*2*) The costs incurred for valuation under sub-section (*1*) shall be costs in the appeal, but shall be payable in the first instance by the applicant.

(*3*) The Judge may, and on the application of any party to the appeal shall, call as a witness the person appointed under sub-section (*1*) for making the valuation and, when he is so called, any party to the appeal shall be entitled to cross-examine him.

410. If, before or on the hearing of an appeal relating to the rateable value or tax, any question of law or usage having the force of law, or the construction of a document arises, the Judge may, and on the application of any party to the appeal shall, draw up a statement of the facts of the case and the question so arising, and refer the statement with his own opinion on the point for the decision of the District Court. Reference to District Court.

411. An appeal shall lie to the District Court— Appeals to the District Court.

(*a*) from any decision of the Judge in an appeal under section 406 by which a rateable value in excess of two thousand rupees is fixed, and

(*b*) from any other decision of the said Judge in an appeal under the said section, upon a question of law or usage having the force of law or the construction of a document :

Provided that no such appeal shall be heard by the District Court unless it is filed within one month from the date of the decision of the Judge.

412. The costs of all proceedings in appeal under section 406 before the Judge including those of arbitration under section 408 and of valuation under section 409 shall be payable by such parties in such proportion as the Judge shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887. Costs of proceedings in appeal.

IX of 1887.

Unappealed values and taxes and decisions on appeal to be final.

413. (*1*) Every rateable value fixed under this Act against which no complaint is made as hereinbefore provided, and the amount of every sum claimed from any person under this Act on account of any tax, if no appeal therefrom is made as hereinbefore provided, and the decision of the Judge aforesaid upon any appeal against any such value or tax if no appeal is made therefrom under section 411 and if such appeal is made the decision of the District Court in such appeal shall be final.

(*2*) Effect shall be given by the Commissioner to every decision of the said Judge on any appeal against any such value or tax.

IV. *Appeals to the Judge and the District Court.*

Appeals to the Judge.

414. Appeals shall lie to the Judge against the orders of the Commissioner in the following cases, namely :—

(*1*) an order declining to remove a shaft or pipe—under section 175 ;

(*2*) an order requiring a building to be set forward—under section 215 ;

(*3*) an order requiring the owner or occupier to repair, protect or enclose a place found to be dangerous—under section 247 ;

(*4*) an order directing the demolition of an insanitary building—under section 300 ;

(*5*) an order directing the demolition of an obstructive building—under section 303 :

Provided that no such appeal shall lie unless it is filed within one month from the date of the order of the Commissioner.

Appeals against demolition orders.

415. (*1*) On an appeal being made against a demolition order made under section 300 or 303, the Judge may make such order either confirming or quashing or varying the order as he thinks fit, and he may, if he thinks fit, accept from an appellant any such undertaking as might have been accepted by the Commissioner, and any undertaking so accepted by the Judge shall have the like effect as if it had been given to and accepted by the Commissioner under section 300 :

Provided that the Judge shall not accept from an appellant upon whom such a notice as is mentioned in sub-section (*1*) of section 300 was served an undertaking to carry out any work unless the appellant complied with the requirements of sub-section (*2*) of that section.

(*2*) An appeal shall lie to the District Court from a decision of the Judge on an appeal under this section, within one month of such decision, when the rateable value entered in the Commissioner's assessment book in accordance with the provisions of this Act, of the premises to which the demolition order appealed against wholly or partially relates, exceeds two thousand rupees.

(*3*) A decision passed by the Judge under this section, if an appeal does not lie therefrom under sub-section (*2*), or if no appeal is filed, and, if an appeal is filed, the decision of the District Court in appeal, shall be final.

(*4*) Any order against which an appeal might be brought under this section shall, if no such appeal is brought, become operative on the expiration of the period of twenty-one days mentioned in section 306, and shall be final and conclusive as

to any matters which could have been raised on such an appeal, and any such order against which an appeal is brought shall, if and so far as it is confirmed by the Judge, or the District Court, become operative as from the date of the final determination of the appeal.

(*5*) For the purposes of this section, the withdrawal of an appeal shall be deemed to be the final determination thereof, having the like effect as a decision confirming the order appealed against and, subject as aforesaid, an appeal shall be deemed to be finally determined on the date when the decision of the District Court is given, or in a case where no appeal is brought to the District Court, upon the expiration of the period within which such an appeal might have been brought, or in a case where no appeal lies to the District Court, on the date when the decision of the Judge is given.

Appeals against decision of the Judge regarding payment of expenses for works executed

416. (*1*) An appeal shall lie to the District Court from a decision of the Judge regarding the amount or payment of expenses for any work executed, when the amount of the claim in respect of which the decision is given exceeds two thousand rupees :

Provided that no such appeal shall be heard by the District Court unless it is filed within one month from the date of the decision of the Judge.

(*2*) The decision of the Judge regarding the amount or payment of expenses for any work executed, if no appeal is filed under this section, and, if an appeal is filed, the decision of the District Court in such appeal shall be final.

(*3*) When an appeal is filed under sub-section (*1*) in respect of a decision regarding the amount or payment of expenses for any work executed, the Commissioner shall defer proceedings for the recovery of the amount determined under the said section to be due pending the decision of the District Court and, after the decision, shall proceed to recover only such amount, if any, as shall be thereby determined to be due.

V. *Proceedings before Judge.*

Remedy of owner of building or land against occupier who prevents his complying with any provisions of this Act.

417. (*1*) If the owner of any building or land is prevented by the occupier thereof from complying with any provision of this Act or of any rule, regulation or by-law or with any requisition made under this Act or under any such rule, regulation or by-law in respect of such building or land, the owner may apply to the Judge.

(*2*) The Judge, on receipt of any such application, may make a written order requiring the occupier of the building or land to afford all reasonable facilities to the owner for complying with the said provision or requisition, or to vacate the premises temporarily if the said provision or requisition relates to any action under section 264, involving the safety or convenience of such occupier, and may also, if he thinks fit, direct that the cost of such application and order be paid by the occupier.

(*3*) After eight days from the date of such order, it shall be incumbent on the said occupier to afford all such reasonable facilities to the owner for the purpose aforesaid or to vacate the premises temporarily as shall be prescribed in the said order ; and in the event of his continued refusal so to do, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

(*4*) Nothing in this section shall affect the powers of the Commissioner under any provision of this Act to cause any premises to be vacated.

Power to summon witnesses and compel production of documents.

418. (*1*) For the purposes of any inquiry or proceeding under this Act, the Judge may summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents, by the same means and, as far as is possible, in the same manner as is provided in the case of a Court of Small Causes by or under the Provincial Small Cause Courts Act, 1887, and in all matters relating to any such inquiry or proceeding the Judge shall be guided generally by the provisions of the said Act so far as the same are applicable. IX of 1887.

(*2*) If, in any such inquiry or proceeding, the person against whom the complaint or application has been made fails to appear, notwithstanding that he has been duly summoned for this purpose, the Judge may hear and determine the case in his absence.

(*3*) The costs of every such inquiry or proceeding as determined by the Judge, shall be payable by such parties and in such proportions as the Judge shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of a Court of Small Causes constituted under the Provincial Small Cause Courts Act, 1887 : IX of 1887.

Provided that, if such inquiry or proceeding relates to a dispute regarding expenses declared to be improvement expenses by or under any provision of this Act, the amount of the costs directed by the Judge to be paid by the owner or occupier of the premises in respect of which or for the benefit of which the improvement expenses were incurred shall be a charge on such premises and may also be recovered in the manner prescribed in section 442.

Fees in proceeding before the Judge.

419. (*1*) The Provincial Government may, from time to time, by notification in the *Official Gazette*, prescribe what fee, if any, shall be paid :—

(*a*) on any application, appeal or reference made under this Act to the Judge ; and

(*b*) previous to the issue, in any inquiry or proceeding of the Judge under this Act, of any summons or other process :

Provided that the fees, if any, prescribed under clause (*a*) shall not, in cases in which the value of the claim or subject matter is capable of being estimated in money, exceed the fees for the time being levied, under the provisions of the Provincial Small Cause Courts Act, 1887, in cases in which the value of the claim or subject matter is of like amount. IX of 1887.

(*2*) The Provincial Government may from time to time by a like notification determine by what person any fee prescribed under clause (*a*) of sub-section (*1*) shall be payable.

(*3*) No application, appeal or reference shall be received by the Judge, until the fee, if any, prescribed therefor under clause (*a*) of sub section (*1*) has been paid.

Exemption of poor persons from fees.

420. The Judge may, whenever he thinks fit, receive an application, appeal or reference made under this Act, by or on behalf of a poor person, and may issue process on behalf of any such person without payment or on a part payment of the fees prescribed under section 419.

421. Whenever any application, appeal or reference made to the Judge under this Act is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the Judge to the parties by whom the same have been respectively paid. Repayment of half fees on settlement before hearing.

VI. *Appointment of Magistrates.*

422. (*1*) The Provincial Government may with the consent of the Corporation create one or more posts of Magistrates of the First Class for the trial of offences against this Act, or against any rule, regulation or by-law made thereunder and may appoint any person to such post and may also appoint such ministerial officers for the court of any such Magistrate as it may think necessary : Appointment of a Magistrate of the First Class.

Provided that notwithstanding the appointment of one or more Magistrates of the First Class under this section it shall be open to the District Magistrate subject to the rules for the time being in force under section 17 of the Code of Criminal Procedure, 1898, regulating the distribution of business in the Courts of Magistrates of the First Class to make such distribution of the work of trial of such offences and of all other work before the Courts of the Magistrates (including any appointed under this section) as may appear to him most conducive to efficiency. V of 1898.

(*2*) Such Magistrate or Magistrates and their establishments shall be paid such salary, pension, leave allowances and other allowances as may, from time to time, be fixed by the Provincial Government.

(*3*) The amounts of the salary and other allowances as fixed under sub-section (*2*), together with all other incidental charges shall be reimbursed to the Provincial Government by the Corporation, who shall also pay to the Provincial Government such contribution towards the pension, leave and other allowances of such Magistrate or Magistrates and their establishment as may from time to time be fixed by the Provincial Government :

Provided that the Provincial Government may, with the concurrence of the Corporation, direct that in lieu of the amounts payable under this section the Corporation shall pay to the Provincial Government annually, on such date as may be fixed by the Provincial Government in this behalf, such fixed sum as may be determined by the Provincial Government in this behalf.

VII. *References to Magistrates.*

423. In the following matters references shall be made to a Magistrate of the First Class having jurisdiction within the limits of the City :— References to Magistrates.

(*a*) the abatement of overcrowding—under section 307 ;

(*b*) the detention of a person suffering from a dangerous disease in a public hospital under the rules

Disposal of animals and articles of non-perishable nature seized under section 338.

424. (*1*) Any animal and any article not of a perishable nature and any utensil or vessel seized under section 338 shall be forthwith taken before a Magistrate of the First Class.

(*2*) If it shall appear to such Magistrate that any such animal or article is diseased, unsound or unwholesome or unfit for human consumption, as the case may be, or is not what it was represented to be or that such utensil or vessel is of such kind or in such state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human consumption, he may, and, if it is diseased, unsound, unwholesome or unfit for human consumption, he shall cause the same to be destroyed, at the charge of the person in whose possession it was at the time of its seizure, in such manner as to prevent the same being again exposed or hawked about for sale or used for human consumption, or for the preparation or manufacture of, or for containing any such article as aforesaid.

Penalty for possessing food which appears to be diseased, unsound or unwholesome or unfit for human food.

425. In every case in which food, on being dealt with under section 424, appears to the Magistrate to be diseased, unsound or unwholesome or unfit for human consumption, the owner thereof or the person in whose possession it was found, not being merely bailee or carrier thereof, shall, on conviction, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to five hundred rupees. XLV of 1860

Application for summons to be refused if not applied for within a reasonable time.

426. In all prosecutions under section 425 the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against such section, unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.

VIII. *Proceedings before Magistrates and the Sessions Court.*

Cognizance of offences.

427. (*1*) Offences for the contravention of sections 60, 61 and 325 shall be cognizable.

(*2*) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences against this Act, or against any rule, regulation or by-law, whether committed within or without the City, shall be cognizable by a Magistrate of the First Class having jurisdiction in the City and no such Magistrate shall be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any municipal tax or of his being benefited by the Municipal Fund. V of 1898.

(*3*) Notwithstanding anything contained in section 200 of the said Code, it shall not be necessary in respect of any offence against this Act or any rule, regulation or by-law made thereunder, to examine the complainant when the complaint is presented in writing.

Limitation of time within which complaints of offences punishable under this Act shall be entertained.

428. No Magistrate shall take cognizance of any offence punishable under this Act, or any rule, regulation or by-law, unless complaint of such offence is made before him—

(*a*) within six months next after the date of the commission of such offence ; or

(*b*) if such date is not known or the offence is a continuing one within six months next after the commission or discovery of such offence.

429. If any person summoned to appear before a Magistrate to answer a charge of an offence punishable under this Act or any rule, regulation or by-law fails to appear at the time and place mentioned in the summons, and if service of summons is proved to the satisfaction of the Magistrate and no sufficient cause is shown for the non-appearance of such person the Magistrate may hear and determine the case in his absence. Power of magistrate to hear cases in absence of accused.

430. Any document purporting to be a report under the hand of the Chemical Analyser to Government upon any article duly submitted to him for analysis may be used as evidence of the facts therein stated in any inquiry or prosecution under this Act. Report of Chemical Analyser to Government.

431. (*1*) Any person who resides in the City may complain to a Magistrate of the First Class having jurisdiction therein of the existence of any nuisance or that in the exercise of any power conferred by section 156, 157, 175, 176, 177, 249 or 292 more than the least practicable nuisance has been created. Complaint concerning nuisances.

(*2*) Upon receipt of any such complaint, the Magistrate, after making such inquiry as he thinks necessary, may, if he sees fit, direct the Commissioner—

(*a*) to put in force any of the provisions of this Act or of any rule, regulation or by-law or to take such measures as to such Magistrate shall seem practicable and reasonable for preventing, abating, diminishing or remedying such nuisance ;

(*b*) to pay to the complainant such reasonable costs of and relating to the said complaint and order as the said Magistrate shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

(*3*) Subject to the provisions of section 432 it shall be incumbent on the Commissioner to obey every such order.

(*4*) Nothing in this Act contained shall interfere with the right of any person who may suffer injury or whose property may be injuriously affected by any act done in the exercise of any power conferred by section 156, 157, 175, 176, 177, 249 or 292 to recover damages for the same.

432. (*1*) An appeal shall lie to the Sessions Court from an order passed by a Magistrate under section 431 within one month of the date thereof. Appeal to the Sessions Court from order passed under section 431.

(*2*) The Sessions Court may, when disposing of an appeal under sub-section (*1*), direct by whom and in what proportions, if any, the costs of the appeal are to be paid, and costs so directed to be paid may, on application to a Magistrate of the First Class having jurisdiction in the City, be recovered by him, in accordance with the direction of the Sessions Court, as if they were a fine imposed by himself.

(*3*) When an appeal has been preferred to the Sessions Court under this section, the Commissioner shall defer action upon the order of the Magistrate until such appeal has been disposed of and shall thereupon forthwith give effect to the order passed in such appeal by the Sessions Court or, if the order of the Magistrate has not been disturbed by the Sessions Court, then to his order.

(*4*) The Sessions Court may, from time to time, make rules for regulating the admission of appeals under sub-section (*1*) and the procedure to be followed in the adjudication thereof.

IX. *Arrest of offenders.*

Offenders against this Act may in certain cases be arrested by police officers.

433. (*1*) Any police officer may arrest any person who commits in his view any offence against this Act or against any rule, regulation or by-law, if the name and address of such person be unknown to him, and if such person, on demand, declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

(*2*) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of a Magistrate, for any longer time, not exceeding at the most forty hours from the arrest, than is necessary for bringing him before a Magistrate competent to take cognizance of his offence.

X. *Miscellaneous.*

Code of Civil Procedure to apply.

434. (*1*) Save as expressly provided by this Chapter, the provisions of the Code of Civil Procedure, 1908, relating to appeals from original decrees shall apply to appeals to the Judge from the orders of the Commissioner and relating to appeals from appellate decrees shall apply to appeals to the District Court. V of 1908.

(*2*) All other matters for which no specific provision has been made under this Act shall be governed by such rules as the Provincial Government may from time to time make after consultation with the High Court.

Limitation.

435. (*1*) In computing the period of limitation prescribed for an appeal or application referred to in this Chapter, the provisions of sections 5, 12 and 14 of the Indian Limitation Act, 1908, shall, so far as may be, apply. IX of 1908.

(*2*) When no time is prescribed by this Act for the presentation of an appeal, application or reference, such appeal or application shall be presented or reference shall be made within thirty days from the date of the order in respect of or against which the appeal, application or reference is presented or made.

Execution of orders of the Judge and District Judge.

436. (*1*) All orders of the Judge shall be executed in the same manner as if they were decrees of the Court of Small Causes passed under the Provincial Small Causes Court Act, 1887; IX of 1887.

(*2*) All orders of the District Judge shall be executed as if they were the decrees of the District Court.

Criminal Procedure Code to apply to all inquiries and proceedings before magistrates.

437. The provisions of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to all inquiries and proceedings under this Act before the Magistrates. V of 1898.

CHAPTER XXVII.

Recovery of Municipal Dues other than Taxes.

Recovery of expenses of removals by Commissioner under certain sections.

438. (*1*) The expenses incurred by the Commissioner in effecting any removal under section 60, section 231 or sub-section (*3*) of section 239, or, in the event of a written notice issued under sub-section (*2*) of section 226 or sub-section (*3*) of section 227 or section 232 or sub-section (*3*) of section 244 or sub-section (*3*) of section 245 or section 264 or section 308 not being complied with, under section 479, and all other expenses and charges specified in sub-section (*2*), if any, shall, subject

to the provisions of sub-section (*2*), be recoverable by the sale of the materials removed, and if the proceeds of such sale do not suffice, the balance shall be paid by the owner of the said materials.

(*2*) If the expenses of removal are in any case paid before the materials are sold, the Commissioner shall restore the materials to the owner thereof, on his claiming the same at any time before they are sold or otherwise disposed of, and on his paying all other expenses, if any, incurred by the Commissioner in respect thereof or in respect of the intended sale or disposal thereof and all such charges, if any, as the Commissioner may fix for the storage of the materials.

(*3*) If the materials are not restored to the owner thereof under sub-section (*2*) they shall be sold by auction or otherwise disposed of as the Commissioner thinks fit:

Provided that, if the materials are perishable, they may be sold or disposed of forthwith, and, if other than perishable, they shall be sold or disposed of as soon as conveniently may be after one month from the date of their removal whether the expenses of the removal and the charges, if any, for storage have in the meantime been paid or not and the proceeds, if any, of the sale or other disposal, shall, after defraying therefrom the costs of the sale or other disposal, and, if necessary, of the removal and the charges for storage, be paid to the credit of the Municipal Fund, and shall be the property of the Corporation.

Expenses recoverable under the Act to be payable on demand, and if not paid on demand may be recovered as arrear of property tax.

439. (*1*) Whenever under this Act, or any rule, regulation or by-law the expenses of any work executed or of any measure taken or thing done by or under the order of the Commissioner or of any municipal officer empowered under section 69 in this behalf are payable by any person, the same shall be payable on demand.

(*2*) If not paid on demand, the said expenses shall be recoverable by the Commissioner, subject to the provisions of sub-section (*4*) and sub-section (*3*) of section 416 by distress and sale of the moveable property or attachment and sale of the immovable property of the defaulter, as if the amount thereof were a property-tax due by the said defaulter.

(*3*) If, when the Commissioner demands payment of any expenses under sub-section (*1*), his right to demand the same or the amount of the demand is disputed, or if, in the case of expenses incurred by the Commissioner in taking temporary measures under sub-section (*2*) of section 247, the necessity for such temporary measures is disputed, the Commissioner shall refer the case for the determination of the Judge.

(*4*) Pending the Judge's decision the Commissioner shall defer further proceedings for the recovery of the sum claimed by him, and, after decision, shall, subject to the provisions of section 416, proceed to recover only such amount, if any, as shall be thereby determined to be due.

If defaulter is owner of premises in respect of which expenses are payable, occupier to be also liable for payment thereof.

440. If the said expenses are due in respect of some work executed or thing done to, upon or in connection with, some building or land or of some measure taken with respect to some building or land or in respect of a private street and the defaulter is the owner of such building or land or of the premises fronting or adjoining such street or abutting thereon, as the case may be, the amount thereof may be demanded from any person who at any time, before the said expenses have been paid, occupies the said building, land or premises under the said owner; and in the event of the said person failing to pay the same, they may be recovered, by distress and sale of the moveable property or the attachment and sale of the immovable property of the said person, as if the amount thereof were a property-tax due by him:

Provided as follows, namely—

(*a*) unless the said person neglects or refuses at the request of the Commissioner, truly to disclose the amount of the rent payable by him in respect of the said building or premises and the name and address of the person to whom the same is payable, the said person shall not be liable to pay on account of the said expenses any larger sum than, upto the time of demand, is payable by him to the owner on account of rent of the said building, land or premises; but it shall rest upon the said person to prove that the amount of the expenses demanded of him is in excess of the sum payable by him to the owner;

(*b*) the said persons shall be entitled to credit in account with the owner for any sum paid by or recovered from him on account of the said expenses;

(*c*) nothing in this section shall affect any agreement made between the said person and the owner of the building, land or premises in his occupation respecting the payment of the expenses of any such work, thing or measure as aforesaid.

Commissioner may agree to receive payment of expenses n instalments.

441. Instead of recovering any such expenses as aforesaid in any manner hereinbefore provided, the Commissioner may, if he thinks fit and with the approval of the Standing Committee, take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon, at such rate not exceeding nine per centum per annum as the Standing Committee may fix from time to time, within a period of not more than five years.

Certain expenses may be declared to be improvement expenses.

442. (*1*) Any expenses incurred by the Commissioner under any provision of this Act in respect of any material or fittings supplied or work executed or thing done to, upon or in connection with some building or land which are recoverable from the owner or occupier of such building or land may, subject to the regulations, be declared to be improvement expenses if the Commissioner with the approval of the Corporation, thinks fit so to declare them, and on such declaration being made, such expenses, together with interest thereon payable under sub-section (*2*), shall be a charge on the premises in respect of which, or for the benefit of which, the expenses have been incurred.

(*2*) Improvement expenses shall be recoverable in instalments of such amount not being less for any premises than twelve rupees per annum, and at such intervals as will suffice to discharge such expenses, together with interest thereon at such rate not exceeding six per centum per annum as the Standing Committee may fix from time to time, within such period not exceeding thirty years as the Commissioner with the approval of the Corporation may in each case determine.

(*3*) The said instalments shall be payable by the occupier of the premises on which the expenses and interest thereon are so charged or, in the event of the said premises becoming unoccupied at any time before the expiration of the period fixed for the payment of such expenses or before the sum, with interest as aforesaid, are fully paid off, by the owner for the time being of the said premises, so long as the same continue to be unoccupied.

Proportion of improvement expenses may be deducted from rent.

443. (*1*) Where the occupier by whom any improvement expenses are paid holds the premises on which the expenses together with interest thereon are charged, at a rent not less than the rack-rent, he shall be entitled to deduct three-fourths of the amount paid by him on account of such expenses and interest thereon as aforesaid from he rent payable by him to his landlord, and, if he holds at a rent less than the rack-rent, he shall be entitled to deduct from the rent so payable by

him such proportion of three-fourths of the amount paid by him on account of such expenses and interest thereon as aforesaid as his rent bears to the rack-rent.

(*2*) If the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made and holds the same for a term of which less than twenty years is unexpired (but not otherwise), he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof:

Provided that nothing in this section shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

Redemption of charge for improvement expenses.

444. At any time before the expiration of the period for the payment of any improvement expenses together with interest thereon, the owner or occupier of the premises on which they are charged may redeem such charge by paying to the Commissioner such part of the said expenses and such interest due, if any, as may not have been already paid or recovered.

Recovery of instalments due under sections 441 and 442.

445. Any instalment payable under section 441 or 442 which is not paid when the same becomes due, may be recovered by the Commissioner by distress and sale of the moveable property or the attachment and sale of the immovable property of the person by whom it is due as if it were a property-tax due by the said person.

In default of owner the occupier of any premises may execute required work and recover expenses from the owner.

446. Whenever the owner of any building or land fails to execute any work which he is required to execute under this Act or under any rule, regulation or by-law the occupier, if any, of such building or land may, with the approval of the Commissioner, execute the said work; and he shall be entitled to recover the reasonable expenses incurred by him in so doing from the owner and may without prejudice to any other right of recovery deduct the amount thereof from the rent which from time to time becomes due by him to the owner.

Persons liable for expenses or compensation may be sued for recovery thereof.

447. Instead of proceeding in any manner aforesaid for the recovery of any expenses or compensation of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, the sum due, or the balance of the sum due, as the case may be, may be recovered by a suit brought against the person liable for the same in any Court of competent jurisdiction.

CHAPTER XXVIII.

CONTROL.

Power of Provincial Government to require performance of duties in default of any municipal authority.

448. (*1*) If it shall at any time appear to the Provincial Government upon complaint or otherwise that default has been made in the performance of any duty imposed on any of the municipal authorities by or under this Act or by or under any enactment for the time being in force, the Provincial Government may, if satisfied after due inquiry that the alleged default has been made, make an order prescribing a period for the performance of that duty:

Provided that, except in any case which appears to the Provincial Government to be one of emergency, no such order shall be made until after the expiry of one month

from the date of service of a written notice on the Corporation, and if the Provincial Government shall think fit, on the Commissioner, requiring cause to be shown why such order should not be made, nor until the cause, if any, so shown has been considered by the Provincial Government.

(2) If the duty is not performed within the period prescribed in an order made under sub-section (1), the Provincial Government may appoint some person to perform the same and may direct that the expense of performing such duty, together with such reasonable remuneration to the person performing the same as the Provincial Government shall determine and the cost of the proceedings under this section shall be paid out of the Municipal Fund.

Expenses of measures enforced under section 448 how to be recovered.

449. (1) When any such order as is mentioned in sub-section (2) of section 448, shall have been made, the Corporation shall cause to be paid to the Provincial Government the sum or sums of money of which payment shall from time to time be required, in pursuance of the said order, in any requisition made by the Provincial Government.

(2) If, within fourteen days from the delivery of any such requisition, the same is not complied with, the Provincial Government may by a written order authorise and direct some person to receive from the bank in which the Municipal Fund is lodged the sum or sums mentioned in the said order.

(3) The said bank shall, upon production of the said written order, forthwith pay the said sum or sums to the person therein authorized to receive the same and the said written order shall be a sufficient discharge to the said bank from all liability to the Corporation in respect of any sum or sums so paid by it out of the Municipa Fund.

Power to Provincial Government to call for extracts from proceedings, etc.

450. (1) The Provincial Government may at any time call upon the Corporation to furnish it with any extract from any proceedings of the Corporation, the Standing Committee, the Transport Committee or any other committee constituted under this Act or from any record under the control of the Corporation and with any statistics concerning or connected with the administration of this Act; and the Corporation shall furnish the same without unreasonable delay.

(2) The Provincial Government may at any time call upon the Commissioner or the Transport Manager to furnish it with any information, report, explanation or statistics concerning or connected with the executive administration of this Act so far as each is concerned, and the Commissioner or the Transport Manager, as the case may be, shall furnish the same without unreasonable delay.

Power of Provincial Government to suspend action under this Act.

451. (1) If the Provincial Government is of opinion that the execution of any resolution or order of the Corporation or of any other municipal authority or officer subordinate thereto or the doing of any act which is about to be done or is being done by or on behalf of the Corporation is in contravention of or in excess of the powers conferred by this Act or of any other law for the time being in force or is likely to lead to a breach of the peace or to cause injury or annoyance to the public or to any class or body of persons, the Provincial Government may, by order in writing, suspend the execution of such resolution or order, or prohibit the doing of any such act.

(*2*) A copy of such order shall forthwith be sent to the Corporation by the Provincial Government.

(*3*) The Provincial Government may at any time, on representation by the Corporation or otherwise, revise, modify or revoke an order passed under sub-section (*1*).

Power of Provincial Government to supersede Corporation in case of incompetency persistent default or excess or abuse of powers.

452. (*1*) If at any time upon representation made or otherwise it appears to the Provincial Government that the Corporation is not competent to perform, or persistently makes default in the performance of, the duties imposed upon it by or under this Act or any other law for the time being in force or exceeds or abuses its powers, the Provincial Government may, after having given the Corporation an opportunity to show cause why such order should not be made, by an order published, with the reasons therefor, in the *Official Gazette*, direct that the Corporation shall be superseded for a period to be specified in the order.

(*2*) When an order is made under sub-section (*1*), the following consequences shall ensue :—

(*a*) all the councillors shall, as from the date of the order of supersession, vacate their offices as such councillors;

(*b*) if the Provincial Government so directs in the order, the members of the Transport Committee shall, as from the said date, vacate their offices as such members;

(*c*) all powers and duties of the Corporation, the Standing Committee and, if the Provincial Government has directed that the members of the Transport Committee shall vacate office, the Transport Committee under this Act or under any other law for the time being in force shall, during the period of supersession, be exercised and performed by such person or persons as the Provincial Government from time to time appoints in this behalf;

(*d*) all property vested in the Corporation shall, during the period of supersession, vest in the Crown;

(*e*) the person or persons appointed under clause (*c*) may delegate his or their powers and duties to an individual or to a committee or sub-committee.

(*3*) The Provincial Government may from time to time, after inquiry made, by an order published in the *Official Gazette*, direct that the period of supersession with all the consequences aforesaid shall be continued until such date as is specified in the order.

(*4*) The Corporation shall be re-established on the expiration of the period specified in the order of supersession under sub-section (*1*) as continued from time to time by order under sub-section (*3*) by the election of councillors at general ward elections held in accordance with the provisions of this Act:

Provided that the person or persons appointed under clause (*c*) of sub-section (*2*) shall continue to exercise the powers and perform the duties of the Corporation, the Standing Committee and, as the case may be, the Transport Committee until the first meeting of the Corporation constituted by the election of councillors as aforesaid shall have been held.

CHAPTER XXIX.

RULES, BY-LAWS, REGULATIONS AND STANDING ORDERS.

Rules in Schedule to be part of the Act.

453. The rules in the Schedule as amended from time to time shall be deemed to be part of this Act.

Alteration of and additions to Schedule.

454. The Corporation may add to the Schedule rules not inconsistent with the provisions of this Act (which expression shall in this section be deemed not to include the said Schedule) to provide for any matter dealt with or for any of the purposes specified in the said Schedule; and may, subject to the same limitations, amend, alter or annul any rule in the said Schedule:

Provided that, if any rule regulating the punishment of an offence is altered or amended, the punishment awarded under such altered or amended rule shall not exceed the maximum provided in section 468.

Power to make rules subject to sanction of Provincial Government.

455. (*1*) The power to make, add to, alter or rescind any rule under section 454, shall be subject to the sanction of the Provincial Government and to the condition of the rules being made after previous publication.

(*2*) All rules made under section 454 shall be finally published in the *Official Gazette* and shall thereupon have effect as if enacted in this Act.

(*3*) In addition to the publication required under sub-sections (*1*) and (*2*), the Corporation may determine in each case what further publication, if any, is required for rules made or proposed to be made.

Power of Provincial Government to make rules.

456. (*1*) The Provincial Government may at any time require the Corporation to make rules under section 454 in respect of any purpose or matter specified in section 457.

(*2*) If the Corporation fails to comply with such requisition within such reasonable time as may be fixed by the Provincial Government, the Provincial Government may, after previous publication, make such rules and the rules so made shall, on final publication in the *Official Gazette*, have effect as if enacted in this Act.

Matters in respect of which rules may be made.

457. In particular, and without prejudice to the generality of the powers conferred by section 454, rules made thereunder may provide for or regulate all or any of the following purposes and matters, namely:—

(*1*) *Ward elections.*—(*a*) The amount of the rateable value of business premises for the purposes of the business premises qualification under section 8;

(*b*) the preparation, publication, correction, and revision of the municipal election roll, the manner in which, the conditions under which, and the authority by which, claims to, or objections against, inclusion in, or exclusion from, the said roll may be made and decided and the date on which the said roll shall come into operation and the period for which it shall continue in operation;

(*c*) the nomination of candidates, the form of nomination papers, objections to such nominations, and the taking and return of deposits from and to candidates;

(*d*) the date, time and place of ward elections and the management of contested ward elections;

(*e*) the mode of voting in the case of companies, firms or associations;

(*f*) the mode of voting and the form of ballot paper;

(*g*) the counting of votes, the declaration of results and the procedure in case of equality of votes or in the event of a councillor being elected to represent more than one ward;

(*h*) the custody and disposal of papers relating to ward elections;

(*i*) any other matter relating to ward elections for which it may be expedient to provide.

(2) *Proceedings of Corporation and Committees and conduct of business.*—(*a*) The time and place of meetings of the Corporation, committees and sub-committees;

(*b*) the manner in which notice of such meetings shall be given;

(*c*) the quorum necessary for the transaction of business at such meetings;

(*d*) the management and adjournment of such meetings, and the regulation of orderly conduct of business thereat, including the withdrawal or suspension of members guilty of disorderly conduct;

(*e*) the submission, asking and answering of questions at meetings of the Corporation;

(*f*) the constitution of Special Committees;

(*g*) the keeping of minutes and the submission of reports of meetings of the Corporation, committees and sub-committees;

(*h*) the delegation of the powers of the Standing Committee to sub-committees;

(*i*) the payment of conveyance charges to the Chairman and members of the Transport Committee for attendance at meetings thereof;

(*j*) any other matter relating to the proceedings of the Corporation, a committee or a sub-committee, the holding and regulation of meetings, the conduct of debate, the inspection of minute-books and the supply of copies of minutes to councillors or other persons on payment of fees or otherwise.

(3) *Municipal officers and servants.*—(*a*) The qualifications necessary for and the method of appointment to posts the power of appointment to which vests in the Corporation;

(*b*) the mode of appointment to other posts;

(*c*) the powers and duties of the Municipal Chief Auditor and his staff;

(*d*) the determination of the services under the municipality to be treated as essential services for the purposes of Chapter V.

(4) *Contracts.*—(*a*) The manner in which contracts may be executed;

(*b*) the security to be demanded for the due performance of contracts;

(*c*) the calling, examination and acceptance of tenders;

(*d*) the procedure to be followed in disposing of the property of the Corporation.

(5) *Special Funds.*—The constitution, maintenance and disposal of special funds within the Municipal Fund or the Transport Fund.

(*6*) *Budget estimates.*—(*a*) The classification of budget-estimates of expenditure according to budget heads;

(*b*) the manner of making reductions in or transfers from one budget head to another or within a budget head.

(*7*) *Municipal Taxes.*—(*a*) The assessment and recovery of municipal taxes;

(*b*) the conditions on which refunds of municipal taxes shall be allowed;

(*c*) in respect of a tax leviable under sub-section (*2*) of section 127, the matters referred to in sub-section (*1*) of section 149.

(*8*) *Drainage.*—(*a*) The construction, maintenance, improvement, alteration and discontinuance of drains;

(*b*) the conditions and restrictions to be observed with reference to drains;

(*c*) the conditions for connections with municipal drains;

(*d*) the conditions on which occupiers of trade-premises may discharge any trade effluent into municipal drains;

(*e*) the conditions to be observed in erecting or affixing ventilation shafts or pipes under section 175;

(*f*) the manner in which samples of trade-effluent shall be analysed;

(*g*) the construction, position and maintenance of water-closets, privies, urinals, bathing places or washing places.

(*9*) *Water supply.*—The terms and conditions of the supply of water to buildings or other premises.

(*10*) *Streets.*—(*a*) The information and documents to be furnished in connection with the lay-out of lands for building and private streets;

(*b*) the definition of sky-signs;

(*c*) the naming or numbering of streets and public places and the numbering of buildings.

(*11*) *Regulation of Buildings.*—(*a*) The manner in which further information and documents in regard to the erection of, or additions to, alterations in, or repairs of, buildings shall be supplied;

(*b*) the conditions to be observed in commencing, carrying out, and completing building work and in occupying buildings on completion of works;

(*c*) the restrictions under which alterations may be made in the use of buildings;

(*d*) the inspection of newly constructed buildings;

(*e*) the conditions on which loans may be granted out of the Municipal Fund for building and the form of application for such loans.

(*12*) *Fire Brigade.*—The powers exercisable by the chief or other officer of the municipal fire brigade on the occasion of a fire.

(*13*) *Sanitary Provisions.*—(*a*) The furnishing of information regarding the number of occupants in buildings;

(*b*) the removal and disposal of filth, rubbish and polluted and excrementitious matter from premises;

(*c*) the maintenance of premises in a sanitary condition;

(*d*) the prevention of nuisances, including the prohibition and regulation of wells;

(*e*) the removal, trimming and cutting of trees and hedges;

(*f*) the regulation of the keeping of animals in the City;

(*g*) the regulation of public bathing and the washing of clothes;

(*h*) the information to be furnished by persons applying for permission to establish, remove, or re-open a factory, workshop, workplace or bakery governed by section 313;

(*i*) the articles which may not be kept and the trades and operations which may not be carried on in or upon any premises without a licence under section 376;

(*j*) the inspection of premises used or suspected of being used as a factory, workshop, workplace or bakery or for any licenseable trade or occupation or for the storage of any licenseable article;

(*k*) the prevention and regulation of the discharge of smoke, steam, fumes and noxious vapours;

(*l*) the prohibition and regulation of the use of whistles, trumpets and noise-producing instruments operated by any mechanical means;

(*m*) measures for the prevention of the spread of dangerous diseases.

(*14*) *Markets.*—The regulation of sales within or outside municipal or private markets.

(*15*) *Fares and charges levied by Transport Undertaking.*—The exhibition of notices of fares and charges in vehicles used for the conveyance of passengers.

(*16*) *Vital Statistics.*—The supply of forms of certificate regarding the cause of death to medical practitioners.

(*17*) *General.*—Any matter which is or may be prescribed to be provided for by rules.

458. The Corporation may from time to time make by-laws, not inconsistent with this Act and the rules, with respect to the following matters, namely— By-laws for what purpose to be made.

(*1*) regulating, in any particular not specifically provided for in this Act or the rules, the construction, maintenance, protecting, flushing, cleansing and control of drains, ventilation-shafts or pipes, cess-pools, water-closets, privies, latrines, urinals, washing places, drainage works of every description, whether belonging to the Corporation or other persons, municipal water-works, private communication pipes, private streets and public streets;

(*2*) regulating all matters and things connected with the supply and use of water;

(*3*) regulating the maintenance, supervision and use of public and private cart-stands and the levy of fees for the use of such of them as belong to the Corporation;

(*4*) prescribing the forms of notice under sections 253 and 254, the information documents and plans to be furnished therewith in respect of different classes of structures or works, the manner in which and the persons by whom notices shall be signed and the manner in which plans, sections, descriptions, structural drawings or structural calculations shall be drawn, given, prepared and signed;

(*5*) regulating the manner in which, the supervision under which, the agency through which and the conditions and restrictions under which the work of erecting or re-erecting buildings of particular classes and any work such as is described in section 254 shall be carried out;

(*6*) the structure of walls, foundations, roofs and chimneys, the number, width and position of staircases, the width of corridors and passages, the materials, dimensions and strength of floors and staircases and of all scantlings, girders, posts and columns of buildings, for securing stability and the prevention of fires and the safety of the inmates in the event of fire and for purposes of health, either generally or with reference to the type of the structure and the use to which it is intended to be put;

(*7*) the construction of scaffolding for building operations to secure the safety of the operatives and of the general public;

(*8*) the provision and maintenance of sufficient open space, either external or internal, about buildings to secure a free circulation of air, and of other means for the adequate ventilation of buildings;

(*9*) the provision and maintenance of suitable means of access to buildings and preventing encroachment thereon;

(*10*) the provision and maintenance of house-gullies and service-passages;

(*11*) regulating the conditions on which frame buildings may be constructed;

(*12*) regulating the use of land as building sites, prescribing the minimum size of such sites, either generally or for specified areas and prescribing set-backs from the street margin for all or particular classes of buildings on specified streets or classes of streets or in specified localities.

(*13*) regulating the height of structures generally or with reference to the materials of which they are constructed or the width of the streets on which they front or the areas in which they are situated or the purposes for which they are intended to be used;

(*14*) regulating the number and height above the ground or above the next lower storey of the storeys of which a building may consist;

(*15*) prescribing the form of the completion certificate required under section 263 and the manner in which and the person by whom it shall be signed and subscribed;

(*16*) regulating the intervals at which, the manner in which and the persons by whom buildings shall be periodically inspected under section 265;

(*17*) regulating the management, maintenance, control and use of dwellings intended for the poorer sections of the community vesting in the Corporation;

(*18*) prescribing the qualifications and experience of licensed surveyors, architects, engineers, structural designers, clerks of works and plumbers;

(*19*) regulating in any particular not specifically provided for in this Act conservancy and sanitation, the destruction of rod nts and other vermin, preventive and remedial measures against mosquitoes, flies and other insect pests;

(*20*) the control and supervision of all premises used for any of the purposes mentioned in section 376 and of all trades and manufactures carried on thereon and the prescribing and regulating of the construction, dimensions ventilation, lighting, cleansing, drainage and water-supply of any such premises.

(*21*) the inspection of milch-cattle, and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of cattle-sheds and dairies;

(*22*) securing the cleanliness of milk-stores, milk-shops and milk-vessels used by dairymen or milk-sellers for containing milk;

(*23*) regulating the sale of milk in the City; the protection of milk against contamination and the prevention of the sale of contaminated milk;

(*24*) requiring notice to be given whenever any milch animal is affected with any contagious disease and prescribing precautions to be taken for protecting milch-cattle and milk against infection or contamination;

(*25*) regulating the measures to be taken in the event of the outbreak of any disease among animals which is communicable to man and the supply of information which will facilitate the taking of such measures;

(*26*) securing the efficient inspection of markets and slaughter-houses and of shops in which articles intended for human food are kept or sold;

(*27*) the control and supervision of butchers carrying on business within the City or at a municipal slaughter-house without the City;

(*28*) regulating the use of any municipal market building, market place or slaughter-houses or any part thereof;

(*29*) controlling and regulating the sanitary condition of markets and slaughter-houses and preventing the exercise of cruelty therein;

(*30*) the licensing of hand-carts, other than those exempted from taxation under section 143 or those plying for hire in respect of which licences have been issued under the Bombay Public Conveyances Act, 1920, and the seizure and detention of any such hand-carts that have not been duly licensed;

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(*31*) requiring notice to be given of the occurrence of cases of any infectious, epidemic or endemic disease, not being a dangerous disease, which may be specified and prescribing the precautions to be taken by persons suffering from, or exposed to infection from, any such disease;

(*32*) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the several classes of the community;

(*33*) regulating the use of any place for the skinning and cutting up of the carcasses of animals;

(*34*) facilitating and securing complete and accurate registration of births and deaths;

(*35*) the registration of marriages;

(*36*) securing the protection of public parks, gardens, public parking places and open spaces vested in or under the control of the Corporation from injury or misuse, regulating their management and the manner in which they may be used by the public and providing for the proper behaviour of persons in them;

(*37*) regulating the use of barbed wire or other material for the fencing of land or premises abutting on any street, pathway or place which the public are entitled to use or frequent;

(*38*) regulating trade in rags, bones or second-hand clothing, bedding or other similar articles, including measures for disinfecting on import or before removal, sale or exposure for sale or use in any manufacturing process of any such article ;

(*39*) regulating the holding of fairs and industrial exhibitions in the City ;

(*40*) regulating and prohibiting the stocking of inflammable materials and of the lighting of fires in any specified portion of the City ;

(*41*) regulating the charges for services rendered by any municipal authority ;

(*42*) regulating admission to, and use by members of the public of, municipal hospitals, dispensaries, infirmaries, homes and similar institutions and the levy of fees therein ;

(*43*) the protection of the property of the Corporation ;

(*44*) regulating the inspection by members of the public of municipal records and the fees to be charged before such inspection is allowed ;

(*45*) regulating the grant of certified copies or extracts from municipal records, and the fees chargeable for such copies or extracts ;

(*46*) regulating the appointment by owners of buildings or lands in the City who are not resident therein of agents residing in or near the City to act for such owners for all or any of the purposes of this Act or the rules, regulations or by-laws ;

(*47*) regulating generally matters affecting the conduct of the Transport Undertaking and the travelling in or upon vehicles of the Undertaking used for the conveyance of passengers, subject to the provisions of any other enactment applicable to the Undertaking and the provisions of any rules, by-laws, regulations, permit or licence issued thereunder, and, in particular, the observance by municipal officers and servants appointed in connection with the Undertaking of sobriety, courtesy and special vigilance to prevent danger to persons or vehicles using the streets ;

(*48*) carrying out generally the provisions and intentions of this Act.

Commissioner to lay draft by-laws before the Corporation for its consideration.

459. It shall be the duty of the Commissioner from time to time to lay before the Corporation for its consideration a draft of any by-law which he shall think necessary or desirable for the furtherance of any purpose of this Act.

Hearing by Corporation of objections to proposed by-laws.

460. No by-law shall be made by the Corporation, unless —

(*a*) a notice of the intention of the Corporation to take such by-law into consideration shall have been given in the *Official Gazette* and in the local newspapers at least six weeks before the date on which the Corporation finally considers such by-law ;

(*b*) a printed copy of such by-law shall have been kept at the chief municipal office and made available for public inspection free of charge by any person desiring to peruse the same at any reasonable time for at least one month from the date of the notice given under clause (*a*) ;

(*c*) printed copies of such by-law shall have been delivered to any person requiring the same on payment of such fee for each copy as shall be fixed by the Commissioner;

(*d*) all objections and suggestions which may be made in writing by any person with respect thereto within one month of the date of the notice given under clause (*a*) shall have been considered by the Corporation.

461. No by-law made under section 458 shall have any validity unless and until it is confirmed by the Provincial Government. By-laws to be confirmed by Provincial Government.

462. When any by-law has been confirmed by the Provincial Government it shall be published in the *Official Gazette*, and thereupon shall have the force of law. By-laws confirmed by Provincial Government to be published in the *Official Gazette*.

463. (*1*) The Commissioner shall cause all by-laws from time to time in force to be printed, and shall cause printed copies thereof to be delivered to any person requiring the same, on payment of such fee for each copy as he may fix. Printed copies of by-laws to be kept on sale.

(*2*) Printed copies of the by-laws for the time being in force shall be kept for public inspection in some part of the municipal office to which the general public has access and in such places of public resort, markets, slaughter-houses and other works or places affected thereby, as the Commissioner thinks fit, and the said copies shall from time to time be renewed by the Commissioner.

(*3*) In regard to by-laws relating exclusively to the operations of the Transport Undertaking the provisions of this section shall apply as if for the word "Commissioner" the words "Transport Manager" had been substituted and as if sub-section (*2*) had provided for the display of the relevant by-laws in every vehicle of the Transport Undertaking used for the conveyance of the public.

464. (*1*) If it shall at any time appear to the Provincial Government that any by-law should be modified or repealed either wholly or in part, it shall cause its reasons for such opinion to be communicated to the Corporation and prescribe a reasonable period within which the Corporation may make any representation with regard thereto which it shall think fit. Provincial Government may modify or repeal by-laws.

(*2*) After receipt and consideration of any such representation or, if in the meantime no such representation is received, after the expiry of the prescribed period, the Provincial Government may at any time by notification in the *Official Gazette*, modify or repeal such by-law either wholly or in part.

(*3*) The modification or repeal of a by-law under sub-section (*2*) shall take effect from such date as the Provincial Government shall in the said notification direct or, if no such date is specified, from the date of the publication of the said notification in the *Official Gazette*, except as to anything done or suffered or omitted to be done before such date.

(*4*) The said notification shall also be published in the local newspapers.

Regulations.

465. (*1*) The Standing Committee shall from time to time frame regulations not inconsistent with this Act and the rules but in consonance with any resolution that may be passed by the Corporation—

(*a*) prescribing the qualifications required for appointments to posts in municipal service other than those specified in sub-clause (*a*) of clause (*3*) of section 457;

(*b*) fixing the amount and the nature of the security to be furnished by any municipal officer or servant from whom it may be deemed expedient to require security;

(*c*) regulating the grant of leave to municipal officers and servants;

(*d*) authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave;

(*e*) determining the remuneration to be paid to the persons appointed to act for any of the said officers or servants during their absence on leave;

(*f*) authorizing the payment of travelling or conveyance allowance to the said officers and servants;

(*g*) regulating the period of service of all the said officers and servants;

(*h*) determining the conditions under which the said officers and servants, or any of them, shall on retirement or discharge receive pensions, gratuities or compassionate allowances, and under which the surviving spouse or children and, in the absence of the surviving spouse or children, the parents, brothers and sisters, if any, dependent on any of the said officers and servants, shall, after their death, receive compassionate allowances and the amounts of such pensions, gratuities or compassionate allowances;

(*i*) prescribing the procedure to be followed in removing from service or dismissing or otherwise punishing any municipal officer or servant other than an officer who is appointed under section 40 or 45 or who is appointed to act in the place of such officer;

(*j*) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund which may, with the approval of the Standing Committee, be established by the said officers and servants or to such provident fund, if any, as may be established by the Corporation for the benefit of the said officers and servants;

(*k*) prescribing the conditions under which and, subject to the provisions of sub-section (*2*) of section 50, the authorities by whom the said officers and servants or any of them, may be permitted while on duty or during leave to perform a specified service or series of services for a private person or body or for a public body, including a local authority, or for the Government and to receive remuneration therefor;

(*l*) in general, prescribing any other conditions of service of the said officers and servants.

(*2*) The Standing Committee may also from time to time frame regulations not inconsistent with the provisions of this Act and the rules—

(*a*) determining the standards of fitness of buildings for human habitation;

(*b*) regulating the declaration of expenses incurred by the Commissioner under the provisions of this Act and the rules in respect of any materials or fittings supplied or work executed or thing done to, upon or in connection with some building or land which are recoverable from the owner or occupier to be improvement expenses;

(*c*) prescribing the powers of the municipal Chief Auditor with regard to the disapproval of, and the procedure with regard to the settlement of objections to, expenditure from the revenues of the Corporation;

(*d*) regulating the grant of permission by the Commissioner for the construction of shops, ware-houses, factories, huts or buildings designed for particular uses in any streets, portions of streets or localities specified in a declaration in force under section 269.

(*3*) (*a*) No regulation under sub-section (*1*) or under clause (*a*) of sub-section (*2*) shall have effect until it has been confirmed by the Corporation and, if made under clause (*h*) of sub-section (*1*), until it has in addition been confirmed by the Provincial Government;

(*b*) regulations under clause (*b*) of sub-section (*2*) shall be made in consultation with the Chief Auditor and shall not have effect unless sanctioned by the Corporation.

(*4*) With reference to officers and servants appointed under Chapter XX and to expenditure from the Transport Fund the provisions of sub-section (*1*) and of clause (*c*) of sub-section (*2*) shall apply as if for the words "Standing Committee" the words "Transport Committee" had been substituted.

466. (*1*) The Commissioner may make standing orders consistent with the provisions of this Act and the rules and by-laws in respect of the following matters, namely:— Making of standing orders by Commissioner.

(A) (*a*) prescribing nakas for the collection of octroi and tolls;

(*b*) regulating the mode and manner in which octroi and tolls shall be collected;

(*c*) determining how octroi shall be calculated when no reliable evidence is available of the value of the goods imported;

(*d*) regulating the stamping, sealing or otherwise marking of imported goods;

(*e*) prescribing the manner in which refunds of octroi shall be claimed or made and the conditions under which agents shall be recognised for obtaining refunds of octroi;

(*f*) determining the supervision under which, the routes by which and the time within which goods intended for immediate exportation shall be conveyed out of the City and the fees payable by persons so conveying the goods;

(*g*) any other matter relating to the collection of octroi which is not provided for in this Act;

(B) the manner in which sales of immovable property attached for the non-payment of municipal dues shall be held;

(C) (*a*) the training, discipline and good conduct of the men belonging to the municipal fire-brigade and any volunteer fire brigade recognised by the Corporation ;

(*b*) their speedy attendance with engines, fire-escapes and all necessary implements on the occasion of any alarm of fire ;

(*c*) the maintenance of the said brigade generally in a due state of efficiency ;

(*d*) determining the officers to whom and the places at which intimation of the outbreak of a fire shall be reported and the action to be taken on the receipt of such intimation ;

(*e*) for the granting of gratuities, rewards or certificates to persons who have given notice of fires or who have rendered meritorious service to the fire-brigade on the occasion of a fire ;

(D) (*a*) for preventing nuisance or obstruction in any market-building, market-place, slaughter-house or stock-yard or in the approaches thereto ;

(*b*) fixing the days and the hours on and during which any market, slaughter-house or stock-yard may be held or kept open for use and prohibiting the owner of any private market from keeping it closed without lawful excuse on such days or during such hours ;

(*c*) prohibiting every vendor in a market from closing his shop, stall or standing to the public without lawful excuse or from withholding from sale any articles in which he normally deals ;

(*d*) for keeping every market-building, market-place, slaughter-house or stock-yard in a cleanly and proper state, and for removing filth and refuse therefrom ;

(*e*) requiring that any market-building, market-place, slaughter-house or stock-yard be properly ventilated and be provided with a sufficient supply of water ;

(*f*) requiring that in market-buildings and market-places passages be provided between the stalls of sufficient width for the convenient use of the public ;

(*g*) for the marking or branding for purpose of identification of animals rejected for slaughter as discarded or unwholesome ;

(*h*) regulating the method of slaughter at slaughter-houses ;

(*i*) requiring the allotment in markets of separate areas for different classes of articles ;

(*j*) generally regulating the orderly management and control of markets, slaughter-houses and stock-yards.

(*2*) No order made by the Commissioner under clause (A) of sub-section (*1*) shall be valid unless it is approved by the Standing Committee and confirmed by the Provincial Government, and no order made by the Commissioner under clause (B) or paragraph (*e*) of clause (C) of sub-section (*1*) shall be valid unless it is approved by the Standing Committee.

467. A printed copy of the standing orders shall be affixed in a conspicuous place in the municipal office and a printed copy of the table of stallages, rents and fees, if any, in force in any market, slaughter-house or stock-yard under sections 332 and 333 shall be affixed in some conspicuous spot in the market-building, market-place, slaughter-house or stock-yard. Posting of standing orders and table of stallage, rents, etc.

468. In making rules under section 454 or by-laws, regulations or standing orders, the Provincial Government, the Corporation, the Standing Committee, or the Commissioner, as the case may be, may provide that for any breach thereof the offender shall on conviction— Penalty for breach of rules, by-laws, regulations or standing orders.

(*a*) be punished with fine which may extend to five hundred rupees, and in the case of a continuing breach with fine which may extend to twenty rupees for every day during which the breach continues, after conviction for the first breach,

(*b*) be punished with fine which may extend to twenty rupees for every day during which the breach continues, after receipt of written notice from the Commissioner or any municipal officer duly authorised in that behalf to discontinue the breach,

(*c*) in addition to the imposition of such fine, be required to remedy the mischief so far as lies in his power.

CHAPTER XXX.

MISCELLANEOUS.

Public Notices and Advertisements.

469. Whenever it is provided by or under this Act that public notice shall or may be given of anything, such public notice shall, in the absence of special provision to the contrary, be in writing under the signature of the Commissioner or of a municipal officer empowered under section 69 to give the same, and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum, or by advertisement in the local newspapers, or by any two or more of these means and by any other means that the Commissioner shall think fit. Public notices how to be made known.

470. Whenever it is provided by or under this Act that notice shall be given by advertisement in the local newspapers, or that a notification or any information shall be published in the local newspapers, such notice, notification or information shall be inserted, if practicable, in at least two newspapers in such language or languages as the Corporation may from time to time specify in this behalf published or circulating in the City. Advertisements how to be made.

471. (*1*) Whenever under this Act or any rule, by-law, regulation or standing order, the doing or the omitting to do anything or the validity of anything depends upon the consent, sanction, approval, concurrence, confirmation, declaration, opinion or satisfaction of— Consent, etc. of Corporation, etc. may be proved by written document.

(*a*) the Corporation, the Standing Committee, the Transport Committee or any other Committee;

(*b*) the Commissioner or the Transport Manager or any municipal officer,

a written document signed as provided in sub-section (*2*) purporting to convey or set forth such consent, sanction, approval, concurrence, confirmation, declaration, opinion or satisfaction shall be sufficient evidence of such consent, sanction, approval, concurrence, confirmation, declaration, opinion or satisfaction.

(2) The written document referred to in sub-section (1) shall be signed—

(a) when the authority concerned is the Corporation or the Standing Committee or any Committee other than the Transport Committee, by the Municipal Secretary on behalf of such authority ;

(b) when the authority concerned is the Transport Committee, by the Chairman of that Committee ;

(c) when the authority concerned is the Commissioner, the Transport Manager or any municipal officer, the Commissioner, the Transport Manager or such municipal officer, as the case may be.

Service of Notices, etc.

Notices, etc. by whom to be served or presented.

472. Notices, bills, schedules, summonses and other such documents required by this Act or by any rule, regulation or by-law to be served upon or issued or presented or given to any person, shall be served, issued, presented or given by municipal officers or servants or by other persons authorized by the Commissioner in this behalf.

Service how to be effected on owners of premises and other persons.

473. When any notice, bill, schedule, summons or other such document is required by this Act, or by any rule, regulation or by-law to be served upon or issued or presented to any person such service, issue or presentation shall, except in the cases otherwise expressly provided for in section 474, be effected—

(a) by giving or tendering to such person the said notice, bill, schedule, summons or other document ; or

(b) if such person is not found, by leaving the said notice, bill, schedule, summons or other document at his last known place of abode in the City, or by giving or tendering the same to some adult member or servant of his family, or by leaving the same at his usual place of business, if any, or by giving or tendering the same to some adult employee, if any, of his at such place ; or

(c) if such person does not reside in the City and his address elsewhere is known to the Commissioner by forwarding the said notice, bill, schedule, summons or other document to him by post under cover, bearing the said address ; or

(d) if none of the means aforesaid be available, by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land, if any, to which the same relates.

Service on owner or occupier of premises how to be effected.

474. When any notice, bill, schedule, summons, or other such document is required by this Act, or by any rule, regulation or by-law, to be served upon or issued or presented to the owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service, issue or presentation thereof shall be effected, not in accordance with the provisions of the last preceding section, but as follows, namely—

(a) by giving or tendering the said notice bill, schedule, summons or other document to the owner or occupier, or if there be more than one owner or occupier, to any one of the owners or occupiers of such building or land ; or

(b) if the owner or occupier or no one of the owners or occupiers is found, by giving or tendering the said notice, bill, schedule, summons or other document to some adult member or servant of the family of the owner or occupier or of any of the owners or occupiers ; or

(c) if none of the means aforesaid be available by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land to which the same relates.

475. Nothing in sections 472, 473 and 474 applies to any summons issued under this Act by a Magistrate.

Sections 472, 473 and 474 inapplicable to Magistrate's summons.

476. (*1*) Every licence, written permission, notice, bill, schedule, summons or other document required by this Act or by any rule, regulation or by-law to bear the signature of the Commissioner or of any municipal officer shall be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner or of such municipal officer, as the case may be, stamped thereupon.

Signature on notices, etc. may be stamped.

(*2*) Nothing in this section shall be deemed to apply to a cheque drawn upon the Municipal Fund or upon the Transport Fund under any of the provisions of this Act, or to any deed of contract.

477. (*1*) The Commissioner may, in order to facilitate the service, issue, presentation, or giving of any notice, bill, schedule, summons or other such document upon or to any person by written notice require the owner or occupier of any premises, or of any portion thereof to state in writing, within such period as the Commissioner may specify in the notice, the nature of his interest therein and the name and address of any other person having an interest therein, whether as freeholder, mortgagee, lessee or otherwise, so far as such name and address is known to him.

Power of Commissioner to call for information as to ownership of premises.

(*2*) Any person required by the Commissioner in pursuance of sub-section (*1*) to give the Commissioner any information shall be bound to comply with the same and to give true information to the best of his knowledge and belief.

Unauthorised works.

478. (*1*) If any work or thing requiring the written permission of the Commissioner under any provision of this Act or any rule, regulation or by-law is done by any person without obtaining such written permission or if such written permission is subsequently suspended or revoked for any reason by the Commissioner, such work or thing shall be deemed to be unauthorised and, subject to any other provision of this Act, the Commissioner may at any time, by written notice, require that the same shall be removed, pulled down or undone, as the case may be, by the person so carrying out or doing. If the person carrying out such work or doing such thing is not the owner at the time of such notice then the owner at the time of giving such notice shall be liable for carrying out the requisitions of the Commissioner.

Work or thing done without written permission of the Commissioner to be deemed unauthorised.

(*2*) If within the period specified in such written notice the requisitions contained therein are not carried out by the person or owner, as the case may be, the Commissioner may remove or alter such work or undo such thing and the expenses thereof shall be paid by such person or owner, as the case may be.

Enforcement of orders to execute works, etc.

479. (*1*) Subject to the provisions of this Act and of the rules, by-laws, regulations and standing orders, when any requisition or order is made under any provision of this Act or of any rule, by-law, regulation or standing order by written notice by the Commissioner, or by any municipal officer duly empowered in this behalf, a reasonable period shall be prescribed in such notice for carrying such requisition or order into effect, and if, within the period so prescribed, such requisition or order or any portion of such requisition or order is not complied with, the Commissioner may take such measures or cause such work to be executed or such thing to be done as shall, in his opinion, be necessary for giving due effect to the requisition or order

Works, etc. which any person is required to execute may in certain cases be executed by Commissioner at such person's cost.

so made ; and, unless it is in this Act otherwise expressly provided, the expenses thereof shall be paid by the person or by any one of the persons to whom such requisition or order was addressed.

(*2*) The Commissioner may take any measure, execute any work or cause anything to be done under this section, whether or not the person who has failed to comply with the requisition or order is liable to punishment or has been prosecuted or sentenced to any punishment for such failure.

Supply of materials.

480. On the written request of any person who is required under any of the provisions of this Act or of any rule, regulation or by-law to supply any materials or fittings, the Commissioner may, on such person's behalf, supply the necessary materials or fittings, or cause the necessary work to be done :

Provided that, where the provisions of section 441 or 442 will not apply, a deposit shall first of all be made by the said person of a sum which will, in the opinion of the Commissioner, suffice to cover the cost of the said materials, fittings and work.

Legal Proceedings.

Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.

481. (*1*) The Commissioner may—

(*a*) take, or withdraw from proceedings against any person who is charged with—

(*i*) any offence against this Act or any rule, regulation or by-law ;

(*ii*) any offence which affects or is likely to affect any property or interest of the Corporation or the due administration of this Act ;

(*iii*) committing any nuisance whatever ;

(*b*) compound any offence against this Act or any rule, regulation or by-law which under the law for the time being in force may legally be compounded ;

(*c*) defend any election petition brought under section 16 ;

(*d*) defend, admit or compromise any appeal against a rateable value or tax brought under section 406 ;

(*e*) take, withdraw, from or compromise, proceedings under sub-section (*2*) of section 402, sub-sections (*3*) and (*4*) of section 439 and sections 391 and 416 for the recovery of expenses or compensation claimed to be due to the Corporation ;

(*f*) withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the Commissioner, or, with the approval of the Standing Committee, any such claim for any sum exceeding five hundred rupees ;

(*g*) defend any suit or other legal proceedings brought against the Corporation or against the Commissioner or a municipal officer or servant in respect of anything done or omitted to be done by them, respectively, in their official capacity ;

(*h*) with the approval of the Standing Committee, admit or compromise any claim, suit or legal proceeding brought against the Corporation or against the Commissioner or a municipal officer or servant, in respect of anything done or omitted to be done as aforesaid ;

(*i*) with the like approval, institute and prosecute any suit or withdraw from or compromise any suit or any claim, other than a claim of the description specified in clause (*f*), which has been instituted or made in the name of the Corporation or of the Commissioner ;

(*j*) obtain and pay for such legal advice and assistance as he may, from time to time, think it necessary or expedient to obtain or as he may be desired by the Corporation or the Standing Committee to obtain, for any of the purposes mentioned in the foregoing clauses of this sub-section or for securing the exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or any municipal officer or servant:

Provided that the Commissioner shall not defend any suit or legal proceeding under clause (*g*) without first of all taking legal advice with regard thereto, and shall institute and prosecute any suit which the Corporation shall determine to have instituted and prosecuted.

(*2*) In relation to legal proceedings arising out of the acquisition, extension, administration, operation and maintenance of the Transport Undertaking the provisions of sub-section (*1*) shall apply as if for the word "Commissioner" the words "Transport Manager" and for the words "Standing Committee" the words "Transport Committee" had respectively been substituted.

General.

482. (*1*) The Commissioner and the Transport Manager and every councillor and every member of the Transport Committee who is not a councillor and every municipal officer or servant appointed under this Act, and every contractor or agent for the collection of any municipal tax and every servant or other person employed by any such contractor or agent shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. **Councillors, etc., to be deemed to be public servants.** XLV of 1860.

(*2*) For the purposes of sub-section (*1*) the word "government" in the definition of "legal remuneration" in section 161 of the Indian Penal Code shall be deemed to include the Corporation. XLV of 1860.

483. (*1*) The District Magistrate and the District Superintendent of Police having jurisdiction in the City shall, as far as may be, co-operate by themselves and through their subordinates, with the Commissioner for carrying into effect and enforcing the provisions of this Act and for the maintenance of good order in the City. **Co-operation of Police, etc.**

(*2*) It shall be the duty of every police officer in the City to communicate without delay to the proper municipal officer any information which he receives of a design to commit or of the commission of any offence against this Act or against any rule, regulation or by-law and to assist the Commissioner or any municipal officer or servant reasonably demanding his aid for the lawful exercise of any power vesting in the Commissioner or in such municipal officer or servant under this Act.

484. For the purpose of the recovery of any amount due on account of rent from any person to a Corporation in respect of any land vested in or otherwise held by such Corporation, the Corporation shall be deemed to be a superior holder and every such person an inferior holder of such land, within the meaning of sections 86 and 87 of the Bombay Land Revenue Code, 1879; and the Corporation as superior holder shall be entitled, for the recovery of every such amount, to all the assistance to which under the said sections a superior holder is entitled for the recovery of rent or land revenue payable to him by an inferior holder. **Assistance for the recovery of rent on land.** Bom. V of 1879.

485. (*1*) Any informality, clerical error, omission or other defect in any assessment made or in any distress levied or attachment made or in any notice, bill, schedule, summons or other documents issued under this Act, or under any rule, regulation, by-law or standing order may at any time, as far as possible, be rectified. **Informalities and errors in assessments, etc., not to be deemed to invalidate such assessment, etc.**

(*2*) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, distress, attachment, notice, bill, schedule, summons or other document invalid or illegal if the provisions of this Act and of the rules,

regulations, by-laws and standing orders have in substance and effect been complied with, but any person who sustains any special damage by reason of any such informality, clerical error, omission or other defect shall be entitled to recover compensation for the same by suit in a Court of competent jurisdiction.

Indemnity for acts done in good faith.

486. No suit, prosecution or other legal proceeding shall lie in respect of anything in good faith done or purported or intended to be done under this Act against any councillor or against any member of the Transport Committee who is not a councillor or against the Commissioner, the Transport Manager or any municipal officer or servant or against any person acting under and in accordance with the directions of the Corporation, any committee constituted under this Act, the Commissioner, the Transport Manager, any municipal officer or servant or of a Magistrate.

Protection of persons acting under this Act against suits.

487. (*1*) No suit shall be instituted against the Corporation or against the Commissioner, or the Transport Manager, or against any municipal officer or servant, in respect of any act done or purported to be done in pursuance or execution or intended execution of this Act or in respect of any alleged neglect or default in the execution of this Act :—

(*a*) until the expiration of one month next after notice in writing has been, in the case of the Corporation, left at the chief municipal office and, in the case of the Commissioner or of the Transport Manager or of a municipal officer or servant delivered to him or left at his office or place of abode, stating with reasonable particularity the cause of action and the name and place of abode of the intending plaintiff and of his attorney, advocate, pleader or agent, if any, for the purpose of such suit, nor

(*b*) unless it is commenced within six months next after the accrual of the cause of action.

(*2*) At the trial of any such suit—

(*a*) the plaintiff shall not be permitted to go into evidence of any cause of action except such as is set forth in the notice delivered or left by him as aforesaid ;

(*b*) the claim, if it be for damages, shall be dismissed if tender of sufficient amends shall have been made before the suit was instituted or if, after the institution of the suit, a sufficient sum of money is paid into Court with costs.

(*3*) Where the defendant in any such suit is a municipal officer or servant, payment of the sum or of any part of any sum payable by him in, or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise, may be made, with the previous sanction of the Standing Committee or the Transport Committee from the Municipal fund or the Transport Fund, as the case may be.

Savings in respect of certain provisions of Bombay Land Revenue Code, 1879.

488. Notwithstanding the provisions of sections 48, 65, 66 and 67 of the Bombay Land Revenue Code, 1879— Bom. V of 1879.

(*1*) the use of any land for any purpose to which it may lawfully be put under the provisions of this Act shall not be prohibited in exercise of the powers conferred by or under the said Code ;

(*2*) it shall be sufficient for any occupant of land assessed or held for the purpose of agriculture to show to the satisfaction of the Collector that he has complied with all the requirements of this Act and of the rules, regulations and bylaws to entitle such occupant to permission under section 65 of the said Code subject to the condition of the payment of altered assessment and fine, if any, for the use of his holding or part thereof for any purpose unconnected with agriculture.

489. (*1*) No person who receives the rent of any premises in any capacity described in paragraph (*i*), (*ii*) or (*iii*) of sub-clause (*a*) of clause (*45*) of section 2 shall be liable to do anything which is by this Act required to be done by the owner, unless he have or, but for his own improper act or default, might have had sufficient funds of or due to the owner to pay for the same. Limitation of liability of agent or trustee of owner.

(*2*) The burden of proving the facts entitling any person to relief under sub-section (*1*) shall rest on such person.

(*3*) When any person has secured relief under sub-section (*1*) the Commissioner may, by written notice, require such person to apply to the discharge of any obligation which he would, but for such relief, be bound to discharge, the first moneys which shall come to his hand on behalf of or for the use of the owner, and any person who fails to comply with such notice shall be deemed to be personally liable to discharge such obligation.

(*4*) Nothing in this section shall be deemed to prevent the Commissioner from carrying out the necessary works and recovering the expenses from the actual owner.

CHAPTER XXXI.

Repeals and Amendments.

Bom. III of 1901. Bom. XVIII of 1925. Bom. VI of 1933.

490. The Bombay District Municipal Act, 1901, the Bombay Municipal Boroughs Act, 1925, and the Bombay Village Panchayats Act, 1933, shall cease to apply, except as hereinafter provided, to any area included in the City. Certain Acts to cease to apply to City.

491. The enactments specified in the second column of Appendix III shall be amended to the extent specified in the third column thereof. Amendment of certain enactments.

Bom. LXXX of 1948.

492. The Poona City and Poona Suburban Municipal Boroughs (Appointment of Municipal Commissioner) Act, 1948, is hereby repealed. Repeal.

493. The provisions of Appendix IV shall apply to the constitution of the Corporation and other matters specified therein. Transitory provisions.

APPENDIX I.

(*See* Section 282.)

Provisions of the Land Acquisition Act, 1894, regulating the acquisition of land for improvement purposes.

Part I—Preliminary, except clauses (*e*) and (*f*) of section 3.
Part II—Acquisition, except sub-section (*1*) of section 4, section 6 and sub-section (*2*) of section 17.
Part III—Reference to Court and Procedure thereon, except sub-section (*2*) of section 23 and clauses (6) and (7) of section 24.
Part IV—Apportionment of compensation.
Part V—Payment.
Part VI—Temporary occupation of land.
Part VIII—Miscellaneous.

APPENDIX II.

(*See* Section 392.)

TABLE OF PENALTIES.

Part I.

Sections, Sub-sections and Clauses.	Fine which may be imposed.
309 (*2*), 311 (*e*), 311 (*f*), 311 (*g*)	Ten rupees.
197 (*2*), 295, 334 (*2*), 373 (*1*), 374, 375, 376 (*6*) ..	Twenty rupees.
172, 196 (*2*) proviso, 208, 227 (*3*), 228, 233 (*1*), 236 (*2*), 238 (*2*), 240, 246, 297, 330 (*1*), 333, 377 (*1*), 381, 384, 385, 386 (*5*).	Fifty rupees.
60, 108 (*2*), 145 (*2*), 163, 164, 165, 168 (*1*) (*b*), 169 (*b*), 174, 184, 186, 187 (*1*), 187 (*2*), 199, 200, 212 (*2*), 223, 227 (*3*), 229 (*1*), 230 (*1*), 232, 239 (*1*), 241 (*1*), 243 (*1*), 244 (*1*), 244 (*3*), 248 (*1*), 251, 265 (*4*), 266, 298 (*5*), 308, 318, 319, 326, 335 (*1*), 366, 367, 368, 369, 379, 380. 382.	One hundred rupees.
161, 178 (*1*), 179, 195 (*1*), 198, 226 (*1*), 226 (*2*), 226 (*4*), 242, 247 (*1*), 265 (*2*), 265 (*3*), 267 (*1*), 268 (*4*), 299 (*1*), 307 (*1*), 307 (*2*), 378 (*1*), 383, 417 (*3*).	Two hundred rupees.
160 (*2*), 171 (*1*), 221 (*1*), 257, 261 (*1*), 263, 264 (*1*), 264 (*2*), 298 (*2*), 301 (*1*), 304 (*3*), 322, 325 (*1*), 376 (*1*).	Five hundred rupees.
210 (*4*), 262, 269 (*7*), 313, 314, 331 (*2*)	One thousand rupees.

Part II.

Sections, Sub-sections and Clauses.	Daily fine which may be imposed.
227 (*3*), 228, 297, 308, 375, 376 (*6*), 379, 381 ..	Five rupees.
161, 163, 164, 165, 168 (*1*) (*b*), 169 (*b*), 172, 174, 184, 186, 187 (*1*), 187 (*2*), 195 (*1*), 200, 223, 226 (*2*), 226 (*4*), 229 (*1*), 230 (*1*), 232, 241 (*1*), 244 (*1*), 244 (*3*), 247 (*1*), 248 (*1*), 265 (*4*), 298 (*5*) 330 (*1*), 382, 384, 385, 386 (*5*).	Ten rupees.
60, 198, 243 (*1*), 246, 265 (*2*), 265 (*3*), 267 (*1*), 268 (*4*), 307 (*1*), 307 (*2*), 383.	Twenty rupees.
160 (*2*), 171 (*1*), 212 (*2*), 239 (*1*), 240, 266, 298 (*2*), 299 (*1*), 301 (*1*), 376 (*1*), 378 (*1*), 417 (*3*).	Fifty rupees.
210 (*4*), 257, 263, 264 (*1*), 264 (*2*), 269 (*7*) ..	One hundred rupees.
313, 314	Five hundred rupees.

APPENDIX III.

(*See* Section 491.)

ENACTMENTS AMENDED.

Number and Year.	Short Title.	Amendments.
Bom. I of 1915 ...	The Bombay Town Planning Act, 1915.	In sub-section (*1*) of section 4, sub-section (*2*) of section 10, sub-section (*1*) of section 26, sub-section (*3*) of section 44 and sub-section (*3*) of section 45, for the words "the City of Bombay" the words "any area for which a municipal corporation is constituted under any enactment" shall be substituted.
Bom. V of 1925 ...	The Bombay Prevention of Adulteration Act, 1925.	1. In clause (*c*) of section 2, for the words "the City of Bombay" the words "any area for which a municipal corporation is constituted under any enactment" shall be substituted. 2. In sub-section (*1*) of section 19, for the words "the City of Bombay after consultation with the Corporation of the City of Bombay" the words "any area for which a municipal corporation is constituted under any enactment after consultation with such corporation" shall be substituted.
Bom. XXXII of 1947.	The Lord Reay Maharashtra Industrial Museum Act, 1947.	1. In sub-section (*2*) of section 6- (1) for paragraph B the following revised paragraph shall be substituted, namely:— "B. The following four ex-officio representatives of the Municipal Corporation of the City of Poona:— (*i*) the Mayor, who shall be the Chairman, (*ii*) the Chairman, Standing Committee, (*iii*) the Chairman, Municipal School Board, (*iv*) the Municipal Commissioner for the City of Poona"; (*2*) in paragraph C for the words "Poona City Borough Municipality" the words "Municipal Corporation of the City of Poona" shall be substituted. 2. In section 17 for the words "Bombay Municipal Boroughs Act, 1925, the Poona City Borough Municipality" the words "Bombay Provincial Municipal Corporations Act, 1949, the Municipal Corporation of the City of Poona" shall be substituted. 3. In clause (*d*) of sub-section (*2*) of section 21, for the words "Poona City Borough Municipality" the words "Municipal Corporation of the City of Poona" shall be substituted.
Bom. LVII of 1947 ...	The Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.	In section 10A the following shall be added, namely:— "(4) if the general tax levied under section 129 of the Bombay Provincial Municipal Corporations Act, 1949, in respect of any premises in any city exceeds the amount paid by any landlord to any local authority on account of a rate or tax on buildings, houses or lands in respect of such premises for the assessment period which included the 31st March 1949, there shall be deemed to be an increase in such rate or tax for the purpose of this section."

APPENDIX III—*contd.*

Number and Year.	Short Title.	Amendments.
Bom. IX of 1948 ...	The Poona University Act, 1948.	In sub-section (*1*) of section 16, in clause (*iv*) of paragraph (A) in Class II— (1) for sub-clause (*a*) the following shall be substituted, namely— "(*a*) two members by the Municipal Corporation of the City of Poona"; (2) sub-clause (*b*) shall be deleted.
Bom. LXIX of 1948 ...	The Bombay Housing Board Act, 1948.	In section 25— (1) in sub-section (*1*) for the words and figures "Chapter XII-A of the City of Bombay Municipal Act, 1888", the words "any enactment for the time being in force for the constitution of a municipal corporation for any area in the Province of Bombay" shall be substituted, (2) in sub-section (*2*) for the words and figures "the City of Bombay Municipal Act, 1888" the words "any such enactment as aforesaid" shall be substituted.
Bom. LXXIX of 1948.	The Bombay Shops and Establishments Act, 1948.	In clause (15) of section 2, for the words and figures "municipality constituted under the City of Bombay Municipal Act, 1888" the words "a municipal corporation constituted under any enactment for the time being in force or a municipality constituted under" shall be substituted.

APPENDIX IV.

TRANSITORY PROVISIONS.

(*See* Section 493.)

Part I : General.

Construction of references in other enactment.

1. References in any enactment other than the Bombay District Municipal Act, 1901, the Bombay Municipal Boroughs Act, 1925, and the Bombay Local Fund Audit Act, 1930, in force on the date immediately preceding the appointed day in a City or in any rule, order, or notification made or issued thereunder and in force on such date in the said City to municipal districts, municipal boroughs, municipalities or borough municipalities constituted under the Bombay District Municipal Act, 1901, or the Bombay Municipal Boroughs Act, 1925, shall, unless a different intention appears, be construed as references to the City or to the Corporation of the said City, as the case may be, and such enactment, rule, order or notification shall apply to the said City or Corporation. Bom. III of 1901. Bom. XVIII of 1925. Bom. XXV of 1930. Bom. III of 1901. Bom. XVIII of 1925.

Transfer of rights.

2. All rights of the municipality or any other local authority for the area which has been constituted to be a City shall on the appointed day vest in the Corporation constituted for the said area.

Sums due.

3. All sums due to the said municipality or local authority for the area which has been constituted a City. whether on account of any tax or any other account, shall be recoverable by the Commissioner for the said City and for the purpose of such recovery he shall be competent to take any measure or institute any proceeding

which it would have been open to the authority of the said municipality or local authority to take or institute, if this Act had not come into operation and the said area had not been constituted to be a City.

Debts, obligations, contracts and pending proceedings.

4. (1) All debts and obligations incurred and all contracts made by or on behalf of the said municipality or local authority immediately before the appointed day and subsisting on the said day shall be deemed to have been incurred and made by the Commissioner for the said City in exercise of the powers conferred on him by this Act and shall continue in operation accordingly.

(2) All proceedings pending before any authority of the said municipality or local authority on the said day which under the provisions of this Act are required to be instituted before or undertaken by the Commissioner shall be transferred to and continued by him and all other such proceedings shall, so far as may be, be transferred to and continued by such authority before or by whom they have to be instituted or undertaken under the provisions of this Act.

(3) All appeals pending before any authority of the said municipality or local authority on the said date shall, so far as may be practicable, be disposed of as if the area was constituted to be a City when they were filed.

(4) All prosecutions instituted by or on behalf of the said municipality or local authority and all suits and other legal proceedings instituted by or against the said municipality, local authority or any officer of the said municipality or local authority pending on the said date shall be continued by or against the Commissioner or the Corporation for the said City, as the case may be, as if the area was constituted to be a City when such prosecution, suit or proceeding was instituted.

Continuation of appointments, taxes, budget estimates, assessments, etc.

5. Save as expressly provided by the provisions of this Appendix or by a notification issued under paragraph 22 or order made under paragraph 23,—

Bom. III of 1901. Bom. XVIII of 1925.

(*a*) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law, or form made, issued, imposed or granted under the Bombay District Municipal Act, 1901, or the Bombay Municipal Boroughs Act, 1925, or any other law in force in any local area constituted to be a City immediately before the appointed day shall, in so far as it is not inconsistent with the provisions of this Act, continue in force until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law, or form made, issued, imposed or granted under this Act or any other law as aforesaid, as the case may be;

Bom. III of 1901. Bom. XVIII of 1925.

(*b*) all budget estimates, assessments, valuations, measurements, and divisions made under the Bombay District Municipal Act, 1901, or the Bombay Municipal Boroughs Act, 1925, or any other law in force in any area constituted to be a City immediately before the appointed day shall in so far as they are consistent with the provisions of this Act, be deemed to have been made under this Act;

(*c*) all officers and servants in the employ of the said municipality or local authority immediately before the appointed day shall be officers and servants employed by the Corporation under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject on such date

Provided that service rendered by such officers and servants before the appointed day shall be deemed to be service rendered in the service of the Corporation.

Provided further that it shall be competent to the Corporation to discontinue the services of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the municipal service, after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are so discontinued, shall be entitled to such leave, pension or gratuity as he would have been entitled to take or receive on being invalided out of service if this Act had not been passed.

Provision for Municipality or local authority which is superseded or dissolved.

6. Any reference in the above paragraphs to a municipality or a local authority shall, in case such municipality or local authority has been superseded or dissolved, be deemed to be a reference to the person or persons appointed to exercise the powers or to perform the functions of such municipality or local authority under any law relating to such municipality or local authority.

Part II : Special Provisions relating to the City of Ahmedabad.

Ahmedabad Borough Municipality to be deemed to be Corporation under this Act.

7. (1) On and from the appointed day in the case of the City of Ahmedabad, the Ahmedabad Borough Municipality constituted under the Bombay Municipal Boroughs Act, 1925, shall be deemed to be the Corporation, the Standing Committee and the Bus Committee shall be deemed to be the Standing Committee and the Transport Committee respectively and the President and Vice-President of the said Municipality shall be deemed to be the Mayor and Deputy Mayor respectively under this Act and shall exercise the powers and perform the duties conferred and imposed by this Act on the Corporation, the Standing Committee, the Transport Committee, the Mayor and the Deputy Mayor, respectively. Bom. XVIII of 1925.

(2) The councillors of the Corporation so constituted shall continue in office until the expiry of two years from the date of the passing of this Act.

(3) If the office of any councillor falls vacant before the expiry of eighteen months from the said date, it shall be filled up as if this Act had not come into operation in the City of Ahmedabad.

Corporation to appoint forthwith Standing Committee, Transport Committee, etc.

8. The Corporation constituted under sub-paragraph (1) of paragraph 7 shall forthwith appoint a Standing Committee, a Transport Committee and such Special Committees as it may deem necessary in accordance with the provisions of sections 20, 25 and 30.

Temporary appointment of Commissioner.

9. The Provincial Government may, pending the appointment of the Commissioner under section 36, appoint for such period as it thinks fit any person to act as the Commissioner. The Commissioner so appointed shall receive such monthly salary and allowances as the Provincial Government may determine and shall exercise all the powers and perform all the functions and duties under this Act as are to be exercised and performed by the Commissioner appointed under section 36.

Commissioner to take steps to hold elections, etc.

10. (1) The Commissioner shall take steps to prepare the municipal election roll and hold general ward elections in accordance, as far as may be, with the provisions of this Act so as to ensure that the councillors elected at such elections shall assume office immediately on the expiry of the period of two years specified in sub-paragraph (2) of paragraph 7.

(2) For the purposes of the first elections held under this Act, any person who, if this Act had not come into operation in the City of Ahmedabad, would have been disqualified for being elected a councillor of the Ahmedabad Borough Municipality shall be deemed to be disqualified for being elected and for being a councillor under this Act.

(3) Every person who owns immovable property in the City of Ahmedabad which on the date immediately preceding the appointed day was assessed to any tax in the form of a rate on lands and buildings levied by the Ahmedabad Borough Municipality shall be deemed to have the requisite taxation qualification under sub-section (*3*) of section 8 for the purpose of enrolment in the first municipal election roll.

Chief Officer to vacate office.

11. The Chief Officer of the Ahmedabad Borough Municipality in office on the date immediately preceding the appointed day shall vacate office on the said day but it shall be competent for the Corporation to appoint him, with effect from the said day, to any appointment under it for which he is in its opinion qualified :

Provided that, unless the Chief officer is so appointed, he shall be given such leave, pension or gratuity as he would have received had he been invalided out of municipal service if this Act had not come into operation in the City.

Savings in respect of Bombay Local Fund Audit Act, 1930.

Bom. XXV of 1930.

12. The provisions of the Bombay Local Fund Audit Act, 1930, shall continue to apply in respect of the audit of the accounts of the Ahmedabad Borough Municipality for the period up to the date immediately preceding the appointed day and of all other matters connected with, or arising out of, such audit as if this Act had not come into operation :

Bom. XXV of 1930.

Provided that all references in the Bombay Local Fund Audit Act, 1930, to the President of the local authority or to the local authority shall be deemed to be references to the Commissioner.

Ahmedabad Municipal School Board to be deemed to be the Municipal School Board for the City.

Bom. LXI of 1947.

13. The Ahmedabad Municipal School Board in office on the date immediately preceding the appointed day shall be deemed to be the Municipal School Board for the City and shall continue in office until a new School Board is constituted by the nomination and election of members under sub-sections (*2*) and (*5*) of section 4 of the Bombay Primary Education Act, 1947, as soon as may be after the first general ward elections of councillors have been held and the councillors have taken office.

Part III : Special Provisions relating to the City of Poona.

Provision regarding the Commissioner.

Bom. LXXX of 1948.

14. (1) On and from the appointed day in the case of the City of Poona the Municipal Commissioner for the Poona City and Poona Suburban Municipal Boroughs appointed under section 3 of the Poona City and Poona Surburban Municipal Boroughs (Appointment of Municipal Commissioner) Act, 1948, and holding office on the date immediately preceding the appointed day shall be deemed to be the Commissioner appointed under section 36 and shall, subject to the provisions of sub-section (*3*) of the said section, hold office for the period for which he would have held the office of Municipal Commissioner for the Poona City and Poona Suburban Municipal Boroughs if this Act had not come into operation in the City of Poona.

(2) The Commissioner shall receive the same scales of salary and allowances as he was receiving as Municipal Commissioner for the Poona City and Poona Suburban Municipal Boroughs on the date immediately preceding the appointed day.

The Commissioner to exercise powers and perform duties of Corporation and Standing Committee.

15. Notwithstanding anything contained in this Act, the Commissioner shall exercise the powers and perform the duties of the Corporation and the Standing Committee under this Act and under any other law for the time being in force until general ward elections shall have been held in accordance with the provisions of this Act and the first meeting of the Corporation shall have been held,

Provincial Government may appoint advisory board.

16. (1) The Provincial Government may, by notification in the *Official Gazette*, appoint such number of persons, not exceeding twelve, as it deems fit to advise the Commissioner so long and in so far as he exercises the powers and performs the duties of the Corporation and the Standing Committee.

(2) The Commissioner shall from time to time in such manner as he considers suitable, including the convening of meetings of the persons so appointed, ascertain the views of the persons so appointed on all matters which, under the provisions of this Act, require to be done, sanctioned, approved or confirmed by the Corporation or the Standing Committee.

(3) If the Provincial Government so directs, the Commissioner shall refer for the decision of the Provincial Government any such matter in which he proposes to act otherwise than in accordance with the views of the majority of the persons so appointed, and shall thereafter act in accordance with such decision.

Commissioner to take steps to hold elections, etc.

17. (1) The Commissioner shall forthwith proceed to prepare the municipal election roll and hold general ward elections in accordance, as far as may be, with the provisions of this Act.

(2) For the purposes of the first elections held under this Act, any person who, if this Act had not come into operation, would have been disqualified for being elected a councillor of the Poona City Borough Municipality or the Poona Suburban Borough Municipality shall be deemed to be disqualified for being elected and for being a councillor under this Act.

(3) Every person who owns immovable property in the City which on the date immediately preceding the appointed day was assessed to a house tax or any tax in the form of a rate on lands and buildings levied by any local authority having jurisdiction in any portion of the City shall be deemed to have the requisite taxation qualification under sub-section (*3*) of section 8 for the purpose of enrolment in the first municipal election roll.

Savings in respect of Bombay Local Fund Audit Act, 1930.

18. The provisions of the Bombay Local Fund Audit Act, 1930, shall continue to apply in respect of the audit of the accounts of the Poona City Borough Municipality and the Poona Suburban Borough Municipality for the period up to the date immediately preceding the appointed day and of all other matters connected with, or arising out of, such audit as if this Act had not come into operation : Bom. XXV of 1930.

Provided that all references in the Bombay Local Fund Audit Act, 1930, to the President of the local authority or to the local authority shall be deemed to be references to the Commissioner. Bom. XXV of 1930.

Saving in respect of members of Court of Poona University representing Poona City and Poona Suburban Borough Municipalities.

19. The members of the Court of the Poona University elected by the Poona City Borough Municipality and the Poona Suburban Borough Municipality under section 16 of the Poona University Act, 1948, shall be deemed to have been elected by the Corporation and shall continue to hold office for the term for which they were originally elected. Bom. XX of 1948.

Bom. XXXII of 1947.

20. Notwithstanding the provisions of sub-section (2) of section 6 of the Lord Reay Maharashtra Industrial Museum Act, 1947, the representatives of the Corporation on the Board of Trustees of the Lord Reay Maharashtra Industrial Museum shall, until the Mayor and the Chairman of the Standing Committee have been elected and have taken office, consist of the Chairman of the Poona Municipal School Board and the Commissioner.

Temporary provision regarding representatives of Corporation on Board of Trustees of Lord Reay Maharashtra Industrial Museum.

21. The Poona City Municipal School Board in office on the date immediately preceding the appointed day shall be deemed to be the Municipal School Board for the City and shall continue in office until a new school board is constituted by the nomination and election of members under sub-sections (2) and (5) of section 4 of the Bombay Primary Education Act, 1947, as soon as may be after the first general ward elections of councillors have been held and the councillors have taken office.

Bom. LXI of 1947.

Poona City Municipal School Board to be deemed to be the Municipal School Board for the City.

Part IV: Special Provisions relating to other cities.

22. On any local area other than the cities of Ahmedabad and Poona being constituted to be a City under section 3, the Provincial Government may, notwithstanding anything in this Act, by notification in the *Official Gazette* provide for such City—

(*a*) for the constitution of the following interim authorities and the exercise of powers and performance of functions and duties by the said authorities for such period as it thinks fit :—

(*i*) the Corporation,

(*ii*) the Standing Committee,

(*iii*) the Transport Committee,

(*iv*) the Mayor and Deputy Mayor,

(*v*) the Commissioner,

(*vi*) the Transport Manager ;

(*b*) the appointment of municipal officers and servants ; and

(*c*) such other matters as may be necessary for the proper and efficient conduct of the municipal administration of the City.

Part V: Power to remove difficulties.

23. If any difficulty arises in giving effect to the provisions of this Act or, by reason of anything contained in this Act, to any other enactment for the time being in force, the Provincial Government may, as occasion requires, by order do anything which appears to it necessary for the purpose of removing the difficulty :

Power to remove difficulties.

Provided that no order shall be made under this paragraph after the expiry of one year from the appointed day.

THE SCHEDULE

(*See* Section 453).

CHAPTER I.

ELECTION RULES.

Municipal Election Roll.

Preparation and revision of list of persons qualified to vote.

1. (*1*) At least eight months before the term of office of the councillors elected at a general election is due to expire under section 6, the Commissioner shall prepare and publish in accordance with sub-rule (8) a list of persons appearing to be entitled to be enrolled in the municipal election roll as voters of wards.

(*2*) The list of voters of wards shall be made in separate lists, called ward lists, one for each ward into which the City is divided containing the names of persons entitled to be enrolled as voters of that ward.

(*3*) In preparing the ward lists the Commissioner shall enter therein in alphabetical order under the heading of streets, the full names and addresses of the persons who are entitled to be enrolled under the provisions of sub-section (*1*) of section 8:

Provided that where such person is—

(i) a company, the name of any individual member of such company authorised in that behalf,

(ii) a firm, the names of all the partners of such firm, registered under the Indian Partnership Act, 1932,

(iii) any other association or body of individuals, the name of the individual member of such association or body of individuals authorised by such association or body of individuals, or

(iv) an undivided Hindu family possessing the requisite business premises or taxation qualification, the names of all adult coparceners of such family,

shall be entered in such lists against the names of such company, firm, association, body of individuals or family, as the case may be.

(*4*) The Commissioner may, before preparing the list, by notice in writing call upon every owner of a building to furnish him with a list of all tenants who resided in or occupied such building during the qualifying period referred to in section 8.

(*5*) The Commissioner may also call upon by notice in writing any occupier of any building or other person to furnish such information as he may consider necessary for the preparation of the municipal election roll.

(*6*) Every person to whom a notice has been issued under sub-rule (4) or (5) shall furnish full and true information within fifteen days from the date of receipt of the notice.

(*7*) The Commissioner shall verify and scrutinize the particulars furnished under sub-rules (4) and (5) by a house to house inquiry or by taking such other steps as he may consider necessary.

(*8*) The Commissioner shall publish the list, prepared as aforesaid, by causing a printed copy thereof to be fixed for public inspection in a conspicuous position in the chief municipal office and at such other places as the Commissioner, with the approval of the Standing Committee, may fix and to be kept so fixed for a period of thirty days. Printed

copies thereof shall also be delivered to any person requiring the same on payment of such reasonable fee for each copy as shall from time to time be prescribed by the Commissioner.

(*9*) The Commissioner shall on or before the date on which the list is published under sub-rule (8) give notice by advertisement in the local newspapers of the publication and of the place at which and the fee for which copies of it may be obtained.

(*10*) Every person whose name is not in the list so published and who claims to have it inserted therein shall, within thirty days of the publication, give notice in writing of his claim to the Commissioner in such form as the Commissioner may prescribe.

(*11*) Every person whose name is in the list may object to any other person as not being entitled to have his name retained therein by giving to the Commissioner and also giving to the person objected to, or leaving at his last known place of abode, notice in writing of the objection and of the nature thereof within thirty days of the publication of the list.

(*12*) If the name of any person is entered as a voter in more than one ward list, he may, by notice in writing, which he shall give to the Commissioner within thirty days of the publication of the list, choose for which one of those wards he shall be entitled to vote.

(*13*) The Commissioner shall, within one hundred and five days of the publication of the list under sub-rule (8), revise the list.

(*14*) The Commissioner shall for this purpose hear the claims and objections which have been duly made as aforesaid in open office, giving three clear days' notice of the holding of the inquiry by written notice served upon each claimant and person objecting and upon each person objected to, and also fixed on some conspicuous place in the chief municipal office:

Provided that, if the Commissioner on examination of any claim considers that it may be allowed without further inquiry, notice to such claimant shall not be necessary. A notice which is required to be served under this sub-rule on any person shall be deemed to be served, if sent by post to the address of that person as given by him for the purpose, or as appearing in the list, or if there is no such address, to his last known place of residence.

(*15*) Within ninety days of the publication of the list under sub-rule (8), the Commissioner shall publish by affixing at some conspicuous place in the chief municipal office and at such other places as may have been fixed under sub-rule (8) a supplementary list containing the names of the claimants who appear to him to be entitled to be enrolled as voters; and shall give notice by advertisement in the local newspapers of the publication of the said list and of the place at which and the fee for which copies of it may be obtained. Within three days from the date of the said notice any person whose name is in the list or in the supplementary list may object to the name of any claimant being inserted in the list upon the ground that such claimant is not entitled to be enrolled as a voter. Such an objection shall be made in the manner provided in sub-rule (11) and shall be disposed of by the Commissioner in the manner provided in sub-rule (14).

(*16*) The Commissioner shall insert in the list the name of every person who has duly claimed to have his name inserted therein and whose claim is proved to the Commissioner's satisfaction.

(*17*) The Commissioner shall expunge from the list the name of every person proved to his satisfaction to be dead or not qualified to be enrolled and may correct any clerical error or omission in the list.

(*18*) Subject as aforesaid, the Commissioner shall retain in the list the name of every person to whom objection has not been duly made.

(*19*) The Commissioner shall also retain therein the name of every person objected to, unless the objector appears by himself or by some other person duly authorised by him in this behalf in support of the objection.

(*20*) Where the objector so appears, the Commissioner shall require proof of the qualification of the person objected to and, if, within such reasonable time as the Commissioner, subject to the provision of sub-rule (23), fixes in this behalf, such person's qualification is not proved to his satisfaction, shall expunge his name from the list.

(*21*) The Commissioner shall not retain the name of one person in more than one ward list. If any person whose name has been entered in more than one ward list has not chosen as aforesaid, the Commissioner shall determine for which one of those wards he shall be entitled to vote.

(*22*) The Commissioner shall not enter the name of any individual more than once in any ward list notwithstanding the fact that such individual is entitled to have his name entered in such list in more than one capacity or possesses more than one of the requisite qualifications referred to in section 8.

(*23*) The Commissioner may adjourn the hearing of any matter under this rule from time to time so that no adjourned hearing be held after the expiry of one hundred and five days from the date of publication of the list under sub-rule (8).

Appeals against Commissioner's orders on revision of the list by whom to be heard.

2. (*1*) In the event of the Commissioner rejecting any claim, objection or choice duly made under rule 1, the claimant or objector or person aggrieved may, at any time within five days after such rejection, apply to the District Judge.

(*2*) Applications under sub-rule (1) shall be heard by an Assistant Judge or Civil Judge or by two or more such Judges appointed in this behalf by the District Judge and every Judge so appointed shall, within twenty-five days after receipt of such application and after such inquiry as he deems necessary, make such order for correcting the list or otherwise as shall seem to him fit, and his order shall be conclusive.

(*3*) Every Judge holding an inquiry under this rule may summon and enforce the attendance of witnesses and compel them to give evidence as if he were a Civil Court and he may also direct by whom the whole or any part of the costs of any such inquiry shall be paid.

(*4*) Costs awarded under sub-rule (3) shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908.

Completion of the Municipal Election Roll.

3. (*1*) When the list prepared as aforesaid has been revised by the Commissioner and corrected in compliance with any order passed in this behalf under rule 2, a printed copy thereof, signed by the Commissioner, shall be the Municipal Election Roll and shall come into operation one hundred and fifty days after the date on which the list was published under sub-rule (8) of rule 1 and continue in operation for a period of four years beginning on that day.

(2) The municipal election roll shall be divided and arranged in the same manner as the list from which it is made up. The separate ward lists, when completed, as hereinbefore provided, shall be called ward rolls. The ward rolls shall collectively be deemed to constitute the municipal election roll.

(3) Each ward roll shall be conclusive evidence for the purpose of determining whether any person is an elector in the ward to which such roll relates, and every person enrolled in such roll shall be deemed to be entitled to vote at a ward election.

(4) Printed copies of the municipal election roll shall be delivered to any person requiring the same, on payment of such reasonable fee for each copy as shall from time to time be prescribed by the Commissioner.

(5) If a municipal election roll is not made in due time, the municipal election roll in operation immediately before the time appointed for its preparation shall continue in operation until the new roll is made.

Preparation and revision of list for supplementary election rolls.

4. (1) Any person whose name is not on the municipal election roll and who claims to be entitled to be enrolled as a voter under the provisions of sub-section (1) of section 8 may on or before such date as the Commissioner may by public notice published in the local newspapers fix in any of the three years next succeeding the date on which the said roll came into operation under the provisions of sub-rule (1) of rule 3, give notice of his claim in writing to the Commissioner in such form as he may prescribe.

(2) The Commissioner shall hear the claims in the manner provided in sub-rule (14) of rule 1 and shall within sixty days of the date fixed under sub-rule (1) for giving notice publish by affixing at some conspicuous place in the chief municipal office a list containing the names of the claimants who appear to him to be entitled to be enrolled as voters, and shall give notice by advertisement in the local newspapers of the publication of the said list and of the place at which and the fee for which copies of it may be obtained.

(3) The said list shall be prepared in the same form as the list mentioned in sub-rules (2) and (3) of rule 1.

(4) Within three days from the date of publication of the said list, any person whose name is on the municipal election roll or in the said list may give notice in writing to the Commissioner objecting to the retention of the name of any person in the said list upon the ground that such person is not entitled to be enrolled as a voter, and shall also in such case give to such person, or leave at his last known place of residence, notice in writing of the objection and the nature thereof.

(5) The Commissioner shall thereafter dispose of all objections made under this section in the manner provided in sub-rule (14) of rule 1 and within seventy-five days of the date fixed under sub-rule (1) for giving notice shall revise the list prepared as aforesaid in the same manner as the list mentioned in rule 1, and for such purposes the procedure prescribed in sub-rules (16), (17), (18), (19), (20), (21) and (22) of rule 1 and in rule 2 shall be followed so far as may be required.

Completion of supplementary election rolls.

5. When the list prepared under rule 4 as aforesaid has been revised by the Commissioner and corrected in accordance with any order passed in that behalf under rule 2, a printed copy thereof, signed by the Commissioner, shall come into operation as a supplementary election roll one hundred and twenty days after the date fixed under sub-rule (1) of rule 4 for giving notice and shall thereafter be deemed to form part of the municipal election roll.

Consolidation of supplementary election rolls.

6. Notwithstanding anything contained in rules 4 and 5, the Commissioner may include in any supplementary election roll made as aforesaid the entries contained in any previous supplementary election roll made since the making of the last municipal election roll, and to the extent that such entries are included the previous supplementary election roll shall cease to have any operation.

Elections of Councillors.

Dates of nominations.

7. (*1*) The nomination of candidates for general ward elections of councillors shall be fixed by the Commissioner to take place on such days in the three months immediately preceding the date on which the term of office of the councillors elected at the last preceding general elections is due to expire under section 6 as he shall think fit.

(*2*) The nomination of candidates for elections to fill casual vacancies shall be fixed by the Commissioner to take place on such days as he shall think fit as soon as conveniently may be after the occurrence of the vacancies.

Notice to be given of day fixed for nomination of candidates for ward elections.

8. Fifteen days at least before the day fixed for the nomination of candidates for a ward election notice thereof shall be given by the Commissioner. Such notice shall be given by advertisement in the *Official Gazette* and in the local newspapers and by posting placards in conspicuous places in the ward for which such election is to take place.

Provisions regarding nomination of candidates.

9. (*1*) Candidates for election at a ward election must be duly nominated in writing in accordance with the provisions hereinafter contained.

(*2*) With respect to such nominations, subject to sub-rule (3), the following provisions shall have effect, namely—

(*a*) nomination papers shall be in Form A;

(*b*) the Commissioner shall provide printed forms of nomination papers, and any person entitled to vote at the election shall be supplied, at any time within seven days previous to the day fixed for the nomination of candidates and up to four o'clock in the afternoon on such day, with as many such forms as may be required, free of charge;

(*c*) each nomination paper must state the name, abode and description of the candidate in full, and be subscribed by two persons entitled to vote at the election as proposer and seconder and must bear the signature of the person nominated in token of his willingness to be so nominated;

(*d*) every nomination paper subscribed and signed as aforesaid must be delivered at the Commissioner's office before five o'clock in the afternoon of the day fixed for the nomination of candidates;

(*e*) each candidate must be nominated by a separate nomination paper, but any person entitled to vote at the election may subscribe as many nomination papers as there are vacancies to be filled, but no more;

(*f*) The Commissioner shall on receiving a nomination paper enter in the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him;

(*g*) if any person subscribes more nomination papers than there are vacancies to be filled, the nomination papers received after the receipt of the maximum number permissible under clause (*e*) shall be deemed to be invalid;

(*h*) if any person nominated—

(i) is not enrolled in the municipal election roll as voter of a ward,

(ii) has not made or caused to be made the deposit referred to in sub-rule (1) of rule 10, or

(iii) is disqualified under any provision of this Act for being a councillor,

the Commissioner shall declare such person's nomination invalid;

(*i*) if there is no valid nomination, it shall be deemed that no councillor has been elected and proceedings for filling the vacancy or vacancies shall be taken under section 18;

(*j*) if the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected, and for the remaining vacancy or vacancies, it shall be deemed that no councillor has been elected, and proceedings for filling such vacancy or vacancies shall be taken under section 18;

(*k*) if the number of valid nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected;

(*l*) if the number of valid nominations exceeds that of the vacancies, the election of councillors shall be made from among the persons nominated, and such election shall be termed " a contested election ":

Provided that if any candidate validly nominated dies or signifies in writing to the Commissioner not later than seven days after the day appointed for the nomination of candidates his intention not to contest the election, then, if the remaining number of valid nominations is less than or the same as that of the vacancies, the remaining candidates validly nominated shall be deemed to be elected:

Provided further that a candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election;

(*m*) if, when two or more ward elections are held simultaneously for different wards, any person is deemed, under clause (*i*) or clause (*j*), to be elected a councillor for more than one ward, he shall, within twenty-four hours after receipt of written notice thereof from the Commissioner, choose, by writing signed by him and delivered to the Commissioner, or, in his default, the Commissioner shall, when the time for choice has expired, declare for which one of these wards he shall serve; the choice or declaration so made shall be conclusive, and such person's nomination for the ward or wards for which he is not to serve shall be deemed to be null and void;

(*n*) if, when ward elections are held as aforesaid, any person who is deemed, under clause (*i*) or clause (*j*), to be elected a councillor for any one or more wards, has also been duly nominated for any one or more wards for which the number of nominations exceeds that of the vacancies, he shall within twenty-four hours after receipt of written notice thereof from the Commissioner choose, by writing signed by him and delivered to the Commissioner, whether he shall serve for the ward, or for any one of the wards for which he is elected, or will stand as a candidate at the contested election or elections for the other ward or wards. In his default, the Commissioner shall, when the time for choice has expired, declare that he shall serve for the ward or for some one of the wards for which he is elected, and his nomination for any other ward shall be deemed to be null and void. If such person chooses, by writing as aforesaid, to stand as a candidate at the contested election or elections, his nomination for the ward or wards for which he is elected shall be deemed to be null and void. Any choice or declaration made under this clause shall be conclusive.

(*3*) No councillor shall be deemed under sub-rule (2) to have been elected for a seat reserved for Harijans in any ward unless he is a Harijan and in respect of any such seat the following further provisions shall apply, namely—

(*a*) if for any vacancy of a seat reserved for Harijans there is no validly nominated candidate eligible to fill such seat, it shall be deemed that no

councillor has been elected, and proceedings for filling the vacancy shall be taken under section 18;

(*b*) if for any such vacancies the number of validly nominated candidates so eligible is less than that of the vacancies, such candidates shall be deemed to be elected, and for the remaining vacancy or vacancies it shall be deemed that no councillor has been elected and proceedings for filling such vacancy or vacancies shall be taken under section 18;

(*c*) if for any such vacancies the number of validly nominated candidates so eligible is equal to that of the vacancies, such candidates shall be deemed to be elected;

(*d*) if any candidate validly nominated as eligible dies or signifies in writing to the Commissioner not later than seven days after the date appointed for the nomination of candidates his intention not to contest the election, then, if the remaining number of validly nominated candidates so eligible is less than or the same as that of the vacancies, the remaining validly nominated candidates so eligible shall be deemed to be elected.

Deposit by candidates.

10. (*1*) On or before the date appointed for the nomination of candidates for a ward election, each candidate shall deposit or cause to be deposited with the Commissioner the sum of one hundred rupees in cash or in Government securities of equal value at the market rate of the day, and no candidate shall be deemed to be duly nominated unless such deposit has been made.

(*2*) The deposit shall be returned if—

(*a*) the candidate is declared or is deemed to be duly elected,

(*b*) the candidate signifies his intention in writing to the Commissioner not later than seven days after the day appointed for the nomination of candidates not to contest the election.

(*c*) the nomination of the candidate is declared invalid,

(*d*) the candidate dies, after the scrutiny of nomination papers and before the commencement of the poll, or

(*e*) the candidate fails to be elected but secures valid votes in excess of the number specified in sub-rule (4).

(*3*) The deposit shall be returned to the person by whom it was made. If a candidate dies before the day fixed for the poll, the deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made.

(*4*) If a candidate is not elected and if the number of valid votes polled by him does not exceed one-eighth of the total number of valid votes polled divided by the number of councillors to be elected in the ward for which the candidate is nominated, the deposit shall be forfeited to the Corporation.

(*5*) The deposit shall, if it is not forfeited, be returned as soon as may be after the declaration of the result of the election under rule 39:

Provided that if a candidate is duly nominated at a general election in more than one ward, not more than one of the deposits made by him or on his behalf shall be returned and the remainder shall be forfeited to the Corporation.

Poll to be taken when a ward election is contested and names of validly nominated candidates to be published.

11. (*1*) When a ward election is contested, a poll shall be taken on such date, not less than twenty-one days after the day appointed for the nomination of candidates as the Commissioner may fix. At such poll, the municipal election roll which was in operation on the day appointed for the nomination of candidates shall be deemed to be the roll to which reference must be made for the purposes of the election.

(*2*) At least three days before the day of the poll, the Commissioner shall cause the names of all persons validly nominated, with their respective abodes and descriptions, to be published in the *Official Gazette* and in the local newspapers.

Provisions respecting contested ward elections.

12. With respect to the contested ward elections the following provisions shall have effect, namely :—

(*a*) votes shall be given by ballot and in person ; no votes shall be received by proxy ;

(*b*) no votes shall be received for any candidate whose name has not been published by the Commissioner under sub-rule (*2*) of rule 11 as having been validly nominated ;

(*c*) no votes shall be received from any person whose name is not enrolled in the ward roll as a voter of the ward for which the election is being held ;

(*d*) when the name in a ward roll is that of a company, firm, association, body of individuals or an undivided Hindu family, all the persons whose names are entered against such company, firm, association, body of individuals or undivided Hindu family in the ward roll shall be entitled to vote ;

(*e*) every elector shall be entitled to give as many votes as there are councillors to be elected at such election for such ward but no elector shall give more than one vote to any one candidate ;

(*f*) in respect of a vacancy or vacancies which is or are reserved for Harijans the person or persons not exceeding the number of such vacancies who has or have the greatest number of valid votes from amongst the persons eligible to fill such vacancy or vacancies shall be deemed to be elected, and in respect of vacancies not so reserved the person, or where there are more than one councillors to be elected, the persons not exceeding the number of such vacancies other than any person deemed to be elected in a vacancy reserved for Harijans who have the greatest number of valid votes shall be deemed to be elected ;

(*g*) where an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of these candidates to be declared elected, the determination of the person or persons to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Commissioner in such manner as he shall determine ;

(*h*) if a candidate is elected councillor for more than one ward, he shall, within three days after receipt of written notice thereof from the Commissioner, choose, by writing signed by him and delivered to the Commissioner, or in his default the Commissioner shall, when the time for choice has expired, declare for which of the wards he shall serve and the choice or declaration shall be conclusive ;

(*i*) when any such choice or declaration has been made, the votes recorded for the candidate aforesaid in any ward for which he is not to serve shall be deemed not to have been given and the candidate, if any, who but for the said votes would have been declared to have been elected for such ward shall be deemed to have been elected for the same ;

(*j*) the Commissioner shall, as soon as may be, declare the result of the poll, specifying the total number of valid votes given for each candidate and shall cause lists to be prepared for each ward, specifying the names of all candidates, and the number of valid votes given to each candidate ; in

accordance with such rules as the Commissioner may frame for the purpose and on payment of such fee as may be prescribed by him a copy of such list shall be supplied to any candidate of the ward and shall be available for inspection to any voter of the ward.

Voting in Ward Elections.

Hours of commencement and close of poll.

13. The Commissioner shall fix the hour at which polling shall commence and the hour at which it shall close on the date fixed under rule 11 for taking a poll.

Polling stations and presiding officers.

14. (*1*) The Commissioner shall select for each ward as many polling stations as he thinks necessary and shall publish, in such manner as he deems sufficient, a list showing the polling stations so selected and the polling areas for which they have respectively been selected.

(*2*) The Commissioner shall appoint a presiding officer for each polling station and such other persons, hereinafter referred to as polling officers, to assist the presiding officer as he thinks necessary.

(*3*) Each polling officer may, if so directed by the presiding officer, perform all or any of the duties assigned to a presiding officer under these rules.

(*4*) If the presiding officer, owing to illness or other unavoidable cause, is obliged to absent himself from a polling station, his duties shall be performed by one of the polling officers, who shall be duly authorised in this behalf by the Commissioner.

Duties of presiding officer.

15. (*1*) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time, and shall exclude all other persons except—

(*a*) the polling officers, the candidates and one agent of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate and authorised in this behalf by the Commissioner.

(*b*) the polling officers or other public servants on duty , and

(*c*) such other persons as the presiding officer may from time to time admit for the purpose of identifying electors.

(*2*) The presiding officer shall close the polling station at the hour fixed in that behalf under rule 13, so as to prevent the admission thereto of any elector after that hour.

Removal from polling station for misconduct.

16. If any person misconducts himself at a polling station or fails to obey the lawful orders of the presiding officer or the polling officer performing the duties of the presiding officer he may immediately, by order of the presiding officer or such polling officer, be removed from the polling station by any police officer or by any other person authorised in writing by the presiding officer or such polling officer to remove him; and the person so removed shall not, unless with the permission of the presiding officer or such polling officer, be allowed again to enter the polling station during the day:

Provided that this power shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at such polling station.

Issue of ballot paper.

17. No ballot paper shall be issued after the closing hour fixed under rule 13, but any elector who has received his ballot paper before that hour shall be allowed a reasonable opportunity to record his vote.

18. Each polling station shall be furnished with such number of compartments, in which electors can record their votes screened from observation, as the Commissioner thinks necessary. Voting compartment.

19. The Commissioner shall provide at each polling station materials sufficient for the purpose of enabling electors to mark the ballot papers, as many ballot boxes as may be necessary, and copies of the election roll or of such part thereof as contains the names of the electors entitled to vote at such polling station. Supply of election materials and ballot boxes.

20. Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked. The presiding officer at any polling station, immediately before the commencement of the poll, shall show the ballot box empty to such persons as may be present in such polling station, so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed. Sealing of ballot boxes.

21. Immediately before a ballot paper is delivered to an elector, the number, name and description of the elector, as stated in the election roll, shall be called out, and the number of the elector shall be entered on the counterfoil, and a mark shall be placed in a copy of the election roll against the number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received. On the counterfoil shall be entered the name of the ward and the name or distinctive number of the polling station and the signature or thumb impression of the elector. Procedure before ballot paper is delivered to elector.

22. The elector shall, on receiving the ballot paper, forthwith proceed to one of the compartments in the polling station, and there mark his paper, and fold it up so as to conceal his vote, and shall put his ballot paper, so folded up, into the ballot box. Every elector shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box. Voting.

23. The presiding officer shall give such assistance as may be required to any elector who is by reason of infirmity or illiteracy unable to vote in the manner prescribed. Assistance to electors.

24. At any time before a ballot paper is delivered to an elector, the presiding officer or polling officer may, of his own accord, if he has reason to doubt the identity of the elector or his right to vote at such polling station, and shall, if so required by a candidate or polling agent, put to the elector the following questions :— Identity of electors.

(*1*) Are you the person enrolled as follows (reading the whole entry from the roll) ? and

(*2*) Have you already voted at the present election in this ward ? and at a general election—

(*3*) Have you already voted at this election in any other ward ?

and the elector shall not be supplied with a ballot paper if he refuses to answer any one of the questions and unless he answers the first question in the affirmative, the second question in the negative, and, at a general election, the third question also in the negative.

25. (*1*) The ballot paper shall be in Form B. Form of ballot paper.

(*2*) The ballot papers shall be serially numbered, the serial number being printed on the counterfoil and on the back of the ballot paper.

Tendered votes.

26. If the person representing himself to be a particular elector named on the election roll applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to mark a ballot paper in the same manner as any other elector. Such ballot paper (hereinafter referred to as a tendered ballot paper) shall, instead of being placed in the ballot box, be given to the presiding officer and endorsed by him with the name of the elector and his number on the election roll and the name of the ward to which the election roll relates, and shall be set aside in a separate packet and shall not be counted by the Commissioner. The name of the elector and his number on the election roll and the name or distinctive number of the polling station to which the election roll relates shall be entered in a list in Form C which shall bear the heading "Tendered Votes List". The person tendering such ballot paper shall sign his name and address thereon or, if he is unable to write, affix his thumb impression against the entry in that list.

Challenged votes.

27. If any polling agent declares and undertakes to prove that any person by applying for a ballot paper has committed the offence of personation, the presiding officer may require such person to enter in the list of challenged votes (which shall be in Form D) his name and address or, if he is unable to write, to affix his thumb impression thereto and may further require such person to produce evidence of identification. If such person, on being questioned in the manner provided in rule 24, answers the first question in the affirmative and the other questions in the negative, he shall be allowed to vote after he has been informed of the penalty for personation. The presiding officer shall make a note of the circumstances and of his decision on the list of challenged votes :

Provided that a deposit of Rs. 20 may be demanded for each such challenge which shall be forfeited if, on inquiry, the challenge is found to be frivolous and not made in good faith.

Spoilt ballot papers.

28. An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt ballot paper, and the latter shall, together with its counterfoil, be marked as cancelled by the presiding officer.

Voting by officers on duty at polling stations.

29. (*1*) A presiding officer, polling officer or polling agent who is on duty at a polling station at which he is not entitled to vote, shall, if he is certified by the Commissioner to be entitled to vote at the election for the ward in connection with which he is employed or for any other ward, be allowed to record his vote at that polling station. The name of the polling station at which he would otherwise have been entitled to vote shall be entered in the counterfoil of the ballot paper together with his number in the election roll for that ward in which that polling station is situate. A certificate issued under this rule shall be in Form E.

(*2*) Such ballot paper shall be placed in an envelope and sealed by the presiding officer and returned with the certificate referred to in sub-rule (*1*) to the Commissioner who shall cause such ballot paper to be included among the valid ballot papers of the appropriate ward.

30. The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of any candidates or polling agents who may be present, make up into separate parcels and seal with his own seal and the seal of such candidates or agents as may desire to affix their seal :— Despatch ballot papers.

(1) each ballot box in use at each polling station unopened but with the key attached;
(2) the unused ballot papers;
(3) the tendered ballot papers;
(4) the spoilt ballot papers;
(5) the marked copy of the election roll;
(6) the counterfoils of the ballot papers;
(7) the tendered votes list; and
(8) the list of challenged votes;

and shall after endorsing on each packet a description of its contents deliver such packets to the Commissioner.

31. The packets shall be accompanied by a statement in Form F made by the presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt and tendered ballot papers, and ballot papers dealt with under rule 29. Statement to be sent to Commissioner with ballot papers.

32. Notwithstanding anything contained in this Act, the Commissioner may, for sufficient cause to be recorded in writing, postpone the date or extend the period fixed for polling. In emergencies such as disturbance of the public peace, the presiding officer may, with the previous approval of the Commissioner, close the poll and announce an adjournment of the poll to a subsequent day. Postponement of poll; adjournment of poll.

The subsequent date to which polling is postponed or adjourned shall be notified in such manner as the Commissioner thinks fit.

Scrutiny and Counting of Votes and Declaration of Results.

33. The Commissioner shall, as soon as may be practicable after the close of the poll, give notice in writing to all candidates of the date, time and place fixed by him for the counting of votes. Appointment of date, time and place for counting of votes.

34. (*1*) No person shall be allowed to be present at the counting of votes except the Commissioner and such persons as he may appoint to assist him in counting the votes, the candidates, and one representative of each candidate authorised in writing by the candidate in this behalf. Who may be present at the counting of votes.

(*2*) No person shall be appointed to assist in counting the votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

35. On the day and at the time appointed under rule 33 the Commissioner shall proceed as follows :— Procedure to be followed at the counting of votes.

(*a*) the ballot box or boxes relating to each polling station or the envelopes containing the ballot papers, as the case may be, shall be opened one after another and the Commisioner shall take out the ballot papers therefrom, count them or cause them to be counted, and record the number thereof in a statement; such statement shall not be shown to any candidate or representative of a candidate;

(*b*) the Commissioner shall then mix together all the ballot papers so taken out and distribute them in convenient bundles to the persons appointed to assist in counting the votes;

(*c*) when the ballot papers have been so distributed, but not before, the Commissioner shall allow the candidates and their representatives reasonable opportunity to inspect, without handling, the ballot papers, and shall on every ballot paper which is wholly or partially rejected, endorse the word " rejected "; if any candidate or representative present questions the correctness of the rejection, he shall also record on the ballot paper, the grounds for the rejection. No candidate or representative shall be allowed to see the serial number on the back of any ballot paper;

(*d*) the Commissioner shall, as far as practicable, proceed continuously with the counting of the votes, and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets, and other documents relating to the election under his own seal and the seals of such candidates or representatives as may desire to affix them, and shall cause adequate precautions to be taken for their safe custody;

(*e*) when the counting of the votes has been completed, the Commissioner shall, subject to the provisions of rule 12, forthwith declare the result of the election.

Grounds of rejection of ballot paper.

36. (*1*) A ballot paper shall be rejected if—

(*a*) the number of votes recorded thereon exceeds the number of seats to be filled;

(*b*) no vote is recorded thereon;

(*c*) more than one vote has been recorded against the name of any one candidate;

(*d*) it is void for uncertainty;

(*e*) it bears any mark by which the elector can be identified.

(*2*) The decision of the Commissioner as to the validity of a ballot paper shall be final, subject only to reversal on a election petition claiming the seat.

Verification.

37. The Commissioner shall not open the sealed packets of the tendered votes, the marked copy of the election roll or the counterfoils of the ballot papers. He shall verify the statement submitted by the presiding officer under rule 31 by comparing it with the number of counted ballot papers and rejected ballot papers, the spoilt ballot papers and the ballot papers dealt with under rule 29, the unused ballot papers in his possession and the tendered votes list, shall then reclose and reseal each packet which has been opened by him, and shall record on each packet a description of its contents and the date of the election to which it refers.

Return.

38. The Commissioner shall then prepare and certify a return setting forth:—

(1) the result of the verification referred to in rule 37,

(2) the names of the candidates for whom valid votes have been given,

(3) the number of valid votes given for each candidate,

(4) the name of the candidate elected,

(5) the number of votes declared invalid; and

(6) the number of tendered votes given, and shall permit any candidate or his representative duly authorised under rule 34 to take a copy or an extract from such return.

Declaration of results of elections.

39. (*1*) The result of every election shall be declared by fixing, as soon as may be after the election, in some conspicuous place in the chief municipal office, a notice certifying the names of the persons, if any, elected and, in the case of a contested election, the number of votes recorded for each candidate under the signature of the Commissioner.

(*2*) The names of the persons elected to be councillors shall be published, as soon as may be, in the *Official Gazette*.

Disposal of Ballot Papers.

Custody of election papers.

40. The Commissioner shall, after declaring the result, retain in his custody the packets and return referred to in rules 37 and 38 and all other documents relating to the election.

Production and inspection of election papers.

41. While in the custody of the Commissioner the packets of ballot papers, whether counted, rejected or tendered, of the counterfoils thereof, and of the marked copy of the election roll, shall not be opened and their contents shall not be inspected or produced except under the order of the Judge, but all other documents relating to the election shall be open to public inspection, subject to such conditions and to the payment of such fee as the Corporation may prescribe; and any person, on compliance with such conditions and on payment of such fee, shall be entitled to obtain a copy or copies thereof or of any part thereof.

Destruction of election papers.

42. The packets referred to in rule 41 and all other documents relating to the election shall be retained for a period of one year, and shall thereafter be destroyed, subject to any directions to the contrary given by the Judge.

General Provisions.

Power of Commissioner or presiding officer to overlook printing or clerical errors in election roll.

43. If a question arises for the decision of the Commissioner or a presiding officer under these rules whether an entry in the election roll relates to a particular person, the Commissioner or presiding officer, as the case may be, may, for reasons to be recorded in writing, decide that the entry does or does not relate to the said person, notwithstanding any clerical or printing errors therein.

Certain powers, etc. not to be delegated by Commissioner.

44. Notwithstanding anything contained in section 69, it shall not be lawful for the Commissioner to authorise any municipal officer or servant to exercise any of the powers or perform any of the functions conferred or imposed upon or vested in him by rules 3, 4 (1), 5, 7, 8, 9, 11, 12 and 39.

Powers of Commissioner in case of difficulty.

45. If any difficulty arises as to the holding of any election under this Act, the Commissioner may do anything not inconsistent with the Act or rules which appears to him to be necessary for the proper holding of the election.

Decisions given by Commissioner final.

46. Subject to the provisions of section 16 and rule 2, all decisions given by the Commissioner under the powers conferred on him by the rules in this Chapter shall be final.

CHAPTER II.

PROCEEDINGS OF THE CORPORATION, STANDING COMMITTEE, TRANSPORT COMMITTEE, ETC.

Proceedings of the Corporation.

Provisions regulating Corporation's proceedings.

1. (*a*) There shall be in each month at least one ordinary meeting of the Corporation which shall be held not later than the twentieth day of the month;

(*b*) the first meeting of the Corporation after general elections shall be held as early as conveniently may be on a day and at a time and place to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner;

(*c*) the day, time and place of meeting shall in every other case be fixed by the Mayor or in the event of the office of Mayor being vacant, or of the death or resignation of the Mayor or of his ceasing to be a councillor, or of his being incapable of acting, by the Deputy Mayor, or failing both the Mayor and the Deputy Mayor, by the Chairman of the Standing Committee;

(*d*) the Mayor or, in such event as aforesaid, the Deputy Mayor may, whenever he thinks fit, and shall upon a written requisition signed by not less than one fourth of the whole number of councillors or by not less than four members of the Standing Committee, call a special meeting, and every meeting of the Corporation shall, except for special reasons to be mentioned in the notice convening the meeting, be held in the chief municipal office;

(*e*) every meeting shall be open to the public, unless a majority of the councillors present thereat decide by a resolution which shall be put by the presiding authority, of his own motion or at the request of any councillor present, without previous discussion, that any inquiry or deliberation pending before the Corporation is such as should be held in private, and provided that the presiding authority may at any time cause any person to be removed who interrupts the proceedings;

(*f*) if at any time during a meeting it shall be brought to the notice of the presiding authority that the number of councillors present, inclusive of the presiding authority, falls short of one-third of the whole number of councillors, the presiding authority shall adjourn the meeting to some other day, fixing such time and place for the same as he shall think convenient, and the business which remains undisposed of at such meeting shall be disposed of at the adjourned meeting, or if the latter meeting should be again adjourned, at any subsequent adjourned meeting, whether there be a quorum present thereat or not;

(*g*) every meeting shall be presided over by the Mayor, if he is present at the time appointed for holding the same, and, if the office of Mayor is vacant or if the Mayor is absent, by the Deputy Mayor or, in the absence of the Deputy Mayor, by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion;

(*h*) at least seven clear days' notice shall ordinarily be given of every meeting, other than an adjourned meeting, but in cases of urgency any

such meeting may be called, except for the purpose of considering an annual budget estimate, in pursuance of a written requisition signed by not less than four members of the Standing Committee, upon a notice of not less than three clear days; of adjourned meetings such previous notice shall be given as shall be practicable having regard to the period of the adjournment;

(*i*) every notice of a meeting shall specify the time and place at which such meeting is to be held and the business to be transacted thereat other than questions under section 44 and shall be given by the Municipal Secretary by advertisement in at least one local newspaper having a substantial circulation and, as far as practicable, a copy of such notice shall be sent by ordinary post to the last known address of every councillor;

(*j*) any councillor who desires at any meeting to bring forward any business, other than any questions under section 44, or to make any substantive proposition which is not already specified in the notice of such meeting, shall give written notice of the same to the Municipal Secretary at least three clear days before the day fixed for the meeting; and a supplementary announcement of the business or propositions, of which notice has been so given, shall be given by the said Secretary in a local newspaper not later than the day previous to the meeting;

(*k*) except at a meeting called on a requisition of urgency or at the discussion at any meeting of a budget-estimate, no business shall be transacted at any meeting other than the business specified in the notice published under clause (*i*) and any questions asked under section 44 or urgent business not specified in the said notice which the Standing Committee, Transport Committee or the Commissioner deem it expedient to bring before the meeting, and no substantive proposition shall be made or discussed which is not specified in the said notice or in the supplementary announcement, if any, published under clause (*j*) or which is not in support of the recommendation of the Standing Committee, Transport Committee or Commissioner with reference to any urgent business brought by any of those authorities respectively before the meeting:

Provided that no such urgent business as aforesaid shall be brought before any meeting, unless at least three-fourths of the councillors present at such meeting, such three-fourths being not less than one-fourth of the whole number of councillors, assent to its being brought forward thereat;

(*l*) at a meeting called on a requisition of urgency and during the discussion at any meeting of a budget estimate, no business shall be transacted and no substantive proposition shall be made or discussed which does not directly relate to the business for which the urgent meeting was called, or to the budget estimate, as the case may be; and no proposition involving any change in the taxes which the Standing Committee proposes to impose or the fares or charges which the Transport Committee proposes to levy or an increase or decrease of any item of expenditure in a budget-estimate, shall be made or discussed at any meeting at which such budget estimate is under consideration, unless such proposition is specified in the notice of the meeting published under clause (*i*) or in the supplementary announcement, if any, published

under clause (*j*) or unless, in the case of an adjourned meeting, each of the conditions mentioned in the proviso to clause (*m*) has been fulfilled;

(*m*) any meeting may, with the consent of a majority of the councillors present, be adjourned from time to time to a later hour on the same day or to any other day, but no business shall be transacted and, except as is hereinafter provided, no proposition shall be discussed at any adjourned meeting other than the business or propositions remaining undisposed of at the meeting from which the adjournment took place:

Provided that at any adjourned meeting at which a budget estimate is under consideration a proposition involving any change such as is described in clause (*l*) may be made and discussed notwithstanding that such proposition is not one remaining undisposed of at the meeting from which the adjournment took place, if each of the following conditions has been fulfilled namely:—

(i) that written notice of such proposition has been given at the meeting from which the adjournment took place;

(ii) that the adjournment has been for not less than two clear days; and

(iii) that a special announcement of the proposition has been given by the Municipal Secretary (who shall be bound to give such announcement) in a local daily newspaper not later than the day previous to the adjourned meeting;

(*n*) a minute of the names of the councillors present and of the proceedings at every meeting shall, on the day following the meeting, or as soon thereafter as may be, be drawn up and kept by the Municipal Secretary in a book to be provided for this purpose and shall be signed at, and by the presiding authority of, the next ensuing meeting; and the said minute-book shall at all reasonable times be open at the chief municipal office to inspection by any councillor free of charge and by any other person on payment of a fee of eight annas;

(*o*) every question other than the question whether the Standing Committee, Transport Committee or Commissioner shall be permitted to bring urgent business before a meeting without notice, shall be decided by a majority of votes of the councillors present and voting on that question, unless otherwise provided in or under this Act, the presiding authority having a second or casting vote when there is an equality of votes;

(*p*) a declaration by the presiding authority that a proposition has been carried and an entry to that effect in the minute-book shall, unless a poll be demanded at the time of such declaration by not less than four councillors, be conclusive evidence of the fact, without proof of the number of votes given for or against the proposition;

(*q*) when a poll is taken, the vote of each councillor present and voting upon the proposition shall be taken by tellers appointed by the presiding authority and the names of the councillors voting respectively for or against the proposition shall be recorded in the minute-book;

(*r*) no resolution passed by the Corporation shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than one-half of the whole number of councillors or by such larger number of councillors as may be required

by this Act in any particular case and passed at a meeting whereof notice shall have been given fulfilling the requirements of clause (*h*) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

Power to order withdrawal of councillor.

2. (*1*) The presiding authority shall preserve order and may direct any councillor whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting of the Corporation and such councillor shall do so forthwith and shall absent himself during the remainder of the day's meeting.

(*2*) If any councillor is ordered to withdraw a second time within fifteen days, the presiding authority may suspend such councillor from attending the meetings of the Corporation for such period not exceeding fifteen days as the presiding authority may fix and the councillor so directed shall absent himself accordingly:

Provided that the presiding authority may remit the period of suspension on apology being made to his satisfaction by the councillor under suspension:

Provided also that such suspension from the service of the Corporation shall not prevent any councillor from participating in the proceedings of any committee of which he is a member.

(*3*) The presiding authority may, in the case of grave disorder arising in a meeting, suspend the meeting for a period not exceeding three days.

Proceedings of the Standing Committee.

Provisions regulating the proceedings of the Standing Committee.

3. (*a*) There shall be a meeting of the Standing Committee once a week, and at such other times as shall be found necessary;

(*b*) the first meeting of each Standing Committee shall be held on a day and at a time to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner; and every subsequent meeting of the Standing Committee shall be held on such day and at such time as the said Committee from time to time determines;

(*c*) the Chairman of the Standing Committee shall, upon a written requisition signed by the Commissioner, call a special meeting of the said Committee within twenty-four hours for the transaction of any business which, in the opinion of the Commissioner, cannot be delayed until the next ordinary meeting of the said Committee;

(*d*) no business shall be transacted at a meeting of the Standing Committee unless at least five members are present from the beginning to the end of such meeting;

(*e*) every meeting of the Standing Committee shall be presided over by the Chairman, if the Chairman is present at the time appointed for holding the meeting, and if the Chairman is absent by such one of the members present as may be chosen by the meeting to be chairman for the occasion;

(*f*) every question shall, except as otherwise provided in this Act, be decided by a majority of votes of the members of the Standing Committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(*g*) a sub-committee may elect a chairman of its meetings, and if no such chairman is elected or if he is not present at the time appointed for holding any meeting, the members of the sub-committee present shall choose one of its number to be chairman of such meeting:

(*h*) sub-committees may meet and adjourn as they think proper, but the Chairman of the Standing Committee may, whenever he thinks fit, and shall, upon the written request of not less than two members of a sub-committee, call a special meeting of such sub-committee ;

(*i*) questions at any meeting of a sub-committee shall be decided by a majority of votes of the members present, and in case of an equality of votes, the chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the sub-committee are present from the beginning to the end thereof ;

(*j*) a minute shall be kept by the Municipal Secretary of the names of the members present and of the proceedings at each meeting of the Standing Committee and at each sub-committee's meetings in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting.

Proceedings of the Transport Committee.

Meetings of Transport Committee.

4. (*a*) The Transport Committee shall meet for the despatch of business in the chief municipal office or at such other place as the Corporation may direct;

(*b*) there shall be a meeting of the Transport Committee once a fortnight and at such other times as shall be found necessary ;

(*c*) the first meeting of the Transport Committee shall be held on a day and at a time to be fixed by the Mayor and, if not held on that day, shall be held on some subsequent day to be fixed by the Mayor ; and every subsequent meeting of the Committee shall be held on such day and at such time as the Committee may from time to time determine;

(*d*) the Chairman of the Transport Committee may, whenever he thinks fit, and shall, upon a written requisition signed by the Commissioner or the Transport Manager, or by not less than three members of the Committee, within forty-eight hours of the receipt by him of the requisition, call a special meeting of the Committee for the transaction of any business ;

(*e*) no business shall be transacted at a meeting of the Transport Committee unless at least four members are present from the beginning to the end of meeting

(*f*) every meeting of the Transport Committee shall be presided over by the Chairman, if the Chairman is present at the time for holding the meeting, and, if the Chairman is absent, by such one of the members as may be chosen by the meeting to be chairman for the occasion ;

(*g*) every question shall, subject to the provisions of this Act, be decided by a majority of votes of the members of the Transport Committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(*h*) the Transport Committee shall cause to be kept a minute of the names of the members present and of the proceedings at each meeting of the Committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting after confirmation by the Committee at such meeting ;

Questions.

5. (*1*) Any question concerning or connected with the administration of this Act or the municipal government of the City may be asked by a councillor subject to the following conditions:— Right to ask questions.

(*a*) not less than seven clear days' notice in writing specifying the question shall be given to the Municipal Secretary;

(*b*) no question shall be asked—

(i) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition;

(ii) which concerns or is connected with, either directly or indirectly, any pending suit or proceedings, in any court of law or before any tribunal in any part of the Dominion of India;

(iii) which relates to the character or conduct of any municipal officer or servant except in his official or public capacity; or

(iv) which is, or by implication may be, defamatory of or which makes or implies a charge of a personal character against any person or community or section of any community.

(*2*) The Mayor shall disallow any question which is, in his opinion, in contravention of the provisions of sub-rule (1).

(*3*) If any doubt arises whether any question is or is not within the restrictions imposed by sub-rule (1) the Mayor shall decide the point and his decision shall be final.

(*4*) Unless otherwise directed by the presiding authority, every question shall be answered by the Commissioner at a meeting of the Corporation.

(*5*) The Commissioner shall not be bound to answer a question if, in his opinion, it cannot be answered without detriment to the interests of the Corporation or if it asks for information which has been communicated to him in confidence.

(*6*) If any question seeks information which is available in any printed record of the Corporation, it shall be sufficient for the Commissioner in his answer to invite attention to such record.

(*7*) The Transport Manager shall without unreasonable delay furnish the Commissioner with such information relating to the Transport Undertaking as he may require for the purpose of answering any question under this rule.

CHAPTER III.

METHOD OF APPOINTMENT OF CERTAIN MUNICIPAL OFFICERS AND SERVANTS AND THEIR DUTIES AND POWERS.

I. *Method of appointment.*

1. Save in the case of temporary appointments made under sub-section (7) of section 45 and in the case of acting appointments made under section 58 no person shall be appointed to any of the posts the power of appointment to which vests in the Corporation unless he possesses the qualifications prescribed in this behalf under rule 3. Manner of making appointments.

2. Before making an appointment to any post referred to in rule 1 applications shall be invited for such post by advertisement in the local newspapers and the applications received shall be scrutinised by the Commissioner who shall submit to the Corporation, through a committee

if so required by the Corporation, a list arranged in order of preference of such persons out of those who have applied as he considers qualified for the post:

Provided that, if the Corporation is of the opinion that any officer in municipal service possessing the qualifications prescribed under rule 3 is a fit person to be appointed to the post, it may appoint such officer to the post without following the procedure prescribed in this rule.

3. Subject to the provisions of this Act, the Corporation shall from to time prescribe the qualifications required for each post, the power of appointment to which vests in the Corporation, with the approval of the Provincial Government who may, in granting such approval, make such modifications in, or additions to, the qualifications prescribed by the Corporation as it deems fit.

4. In the case of appointments made by any authority other than the Corporation no person shall be appointed except in a temporary or provisional capacity for a period not exceeding six months, unless he possesses the qualifications specified in the regulations.

II. *Chief Auditor.*

5. (*1*) The Municipal Chief Auditor shall audit the accounts of the Corporation, as hereinafter provided, with the assistance of the assistant auditors, clerks and servants immediately subordinate to him.

(*2*) In the discharge of his functions under this rule the Municipal Chief Auditor shall—

(i) audit the accounts of expenditure from the revenue of the Corporation, expenditure on account of loan works and expenditure incurred out of special funds and shall ascertain whether moneys shown therein as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged, and whether the expenditure conforms to the authority which governs it;

(ii) audit the accounts of debt, deposit, sinking funds, advances, suspense and remittance transactions of the Corporation and report upon those accounts and upon the results of verification of the balances relating thereto.

(*3*) The Municipal Chief Auditor shall examine and audit the statement of accounts relating to the commercial services conducted in any department of the Corporation, including the balance sheets, where such accounts are maintained under the orders of the Corporation, the Standing Committee or the Transport Committee; and shall certify and report upon these accounts.

(*4*) The Municipal Chief Auditor shall, in consultation with the Standing Committee, and subject to any directions given by the Corporation, determine the form and manner in which his reports on the accounts of the Corporation shall be prepared and shall have authority to call upon any officer of the Corporation to provide any information necessary for the preparation of these reports.

6. (*1*) The Municipal Chief Auditor may make such queries and observations in relation to any of the accounts of the Corporation which he is required to audit and call for such vouchers, statements, returns and explanations in relation to such accounts as he may think fit.

(2) Every such query or observation as aforesaid shall be promptly taken into consideration by the officer or authority to whom it may be addressed and returned without delay with the necessary vouchers, documents or explanations to the Chief Auditor.

(3) The powers of the Municipal Chief Auditor with regard to disapproval of, and the procedure with regard to settlement of objections to, expenditure from the revenues of the Corporation shall be such as may be prescribed by regulations.

7. If the Municipal Chief Auditor considers it desirable that the whole or any part of the audit applied to any accounts which he is required to audit shall be conducted in the offices in which these accounts originate, he may require that these accounts, together with all books and documents having relation thereto, shall at all convenient times be made available in the said office for inspection.

8. The Municipal Chief Auditor shall have power to require that any books or other documents relating to the accounts he is required to audit shall be sent for inspection by him:

Provided that if the documents are confidential he shall be responsible for preventing disclosure of their contents.

9. The Municipal Chief Auditor shall have authority to frame rules and to give directions on all matters relating to audit, particularly in respect of the method and the extent of audit to be applied and the raising and pursuing of objections.

10. Sanctions to expenditure accorded by the Municipal Chief Auditor shall be audited by an officer to be nominated by the Corporation.

CHAPTER IV.

Essential Services.

Class I.

(*a*) Scavenging or cleansing streets or premises,

(*b*) maintaining, repairing, cleansing or flushing drains,

(*c*) removing or disposing of excrementitious or polluted matter from houses, latrines, privies, urinals or cesspools,

(*d*) removing carcasses,

(*e*) preventing nuisances generally.

Class II.

(*a*) Fire brigade service,

(*b*) services in connection with the maintenance or service of any municipal water works, drains, pumping stations or fire hydrant, including—

(i) Inspectors,

(ii) Sub-Inspectors,

(iii) Foremen,

(iv) Mechanics,

(v) Drivers,

(vi) Watchmen,

(vii) Labourers,

(viii) Workmen,

(*c*) Lamp-lighters.

Class III.

(*a*) Electric undertaking services,
(*b*) transport services.

CHAPTER V.

CONTRACTS.

Mode of executing contracts.

1. (*1*) Every contract entered into by the Commissioner on behalf of the Corporation shall be entered into in such manner and form as would bind the Commissioner if such contract were on his own behalf, and may in the like manner and form be varied or discharged:

Provided that—

(*a*) any such contract which would require to be under seal if it were entered into by the Commissioner shall be sealed with the common seal of the Corporation; and

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees or such higher amount as the Corporation, with the approval of the Provincial Government, may from time to time prescribe shall be in writing and shall be sealed with the common seal of the Corporation in the manner prescribed in sub-rule (2), unless the contract relates to work which has already been performed or the supply of materials or goods which have already been supplied to the satisfaction of the Commissioner and the Commissioner by order in writing dispenses with the execution of a written instrument.

(*2*) The common seal of the Corporation, which shall remain in the custody of the Municipal Secretary, shall be affixed in the presence of two members of the Standing Committee to every contract or other instrument required to be under seal and such contract or instrument shall be signed by the said two members of the Standing Committee in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

Tenders to be invited for certain contracts.

2. (*1*) Except as is hereinafter otherwise provided, the Commissioner or any officer authorised by him in this behalf shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding three thousand rupees or such higher amount as the Corporation may, with the approval of the Provincial Government, from time to time prescribe, give notice by advertisement in the local newspapers, inviting tenders for such contract.

(*2*) The Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provision of clause (*c*) of section 73, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous:

Provided that the Standing Committee may authorize the Commissioner, for reasons which shall be recorded in its proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

3. The Commissioner shall require sufficient security for the due performance of every contract into which he enters under rule 2 and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act. **Security when to be taken for performance of contract.**

4. The provisions of this Chapter shall, so far as may be, apply to contracts relating to the Transport Undertaking: **Application of Chapter to contracts relating to Transport Undertaking.**

Provided that the functions to be performed thereunder by the Standing Committee or the members thereof and the Commissioner shall be performed by the Transport Committee or the members thereof and the Transport Manager, as the case may be.

CHAPTER VI.

SPECIAL FUNDS.

1. Fines collected under section 56 from municipal officers and servants other than those appointed under the provisions of Chapter XX shall be credited to a separate fund to be called "the Fines Fund" the proceeds of which shall be expended in promoting the well-being of municipal officers and servants other than those appointed under the provisions of Chapter XX and for the payment of compassionate allowances, in accordance with such directions as the Standing Committee may from time to time give, to the surviving spouse or children, and in the absence of the surviving spouse or children, the parents, brothers and sisters, if any, of such officers and servants who die while in municipal service. **Constitution of Fines Fund.**

2. Amounts transferred to the Municipal Fund under the provisions of clause (*c*) of sub-section (*1*) of section 360 shall be credited to a special fund to be called "the Welfare Fund" and shall be expended in providing such benefits and amenities to municipal officers and servants, including those appointed under the provisions of Chapter XX, and to such members of their families and their dependents as the Standing Committee may from time to time determine. **Constitution of Welfare Fund.**

3. (*1*) With the previous approval of the Corporation, all moneys payable from time to time to the credit of the Municipal Fund which expressly relate to an object for which it is deemed expedient to create a special fund shall be credited, and all expenditure which expressly relates to such object shall be debited, to a separate heading in the municipal accounts. **Special funds may be created with the approval of the Corporation.**

(2) With the like approval, a portion of the Municipal Fund may from time to time be credited to a separate heading in the municipal accounts for the purpose of reserving funds for meeting expenditure relating to some specific object for which it is deemed expedient to create a special fund and, when such a fund is created, such expenditure only which expressly relates to such object shall be debited to such special heading.

(*3*) If the Corporation is at any time of the opinion that the maintenance of a special fund created under this rule is no longer necessary, it may direct that such fund be closed and the unexpended balance, if any, of such fund be appropriated in such manner as it may direct.

4. Fines collected under section 56 from municipal officers and servants appointed under Chapter XX, donations from passengers and the proceeds of the sale of unclaimed lost property recovered from vehicles of the Transport Undertaking shall be credited to a separate heading in the accounts of the **Institution of Transport Staff Benefit Fund.**

Transport Undertaking to be called the Transport Staff Benefit Fund and the amounts so credited shall be expended in promoting the well-being of such officers and servants and for the payment of compassionate allowances to the widows of such officers and servants who die while in municipal service and to such other relations of the officers and servants as the Transport Committee may from time to time determine.

Other special funds.

5. (*1*) With the previous approval of the Corporation, the Transport Committee may direct that any moneys payable from time to time to the credit of the Transport Fund which expressly relate to an object for which it is deemed expedient to create a special fund shall be credited, and all expenditure which expressly relates to such object shall be debited, to a separate heading in the accounts of the Transport Undertaking.

(*2*) With the like approval, a portion of the Transport Fund may from time to time be credited to a separate heading in the accounts of the Transport Undertaking for the purpose of reserving funds for meeting expenditure relating to some specific object for which it is deemed expedient to create a special fund and, when such a fund is created, such expenditure only which expressly relates to such object shall be debited to such special heading.

(*3*) If the Transport Committee is at any time of the opinion that the maintenance of a special fund created under this rule is no longer necessary, it may, with the sanction of the Corporation, direct that such fund be closed and the unexpended balance, if any, of such fund be appropriated in such manner as it may direct.

CHAPTER VII.

Budgets.

Classification of budget heads.

1. The expenditure side of a budget estimate shall be classified under major heads, minor heads, subordinate heads and primary units.

(*a*) "Major head" means the principal head of accounts corresponding to the different services under which expenditure is classified in the budget estimate, and may be divided into two or more minor heads.

(*b*) "Minor head" means the head of accounts immediately subordinate to a major head under which each major head is classified, and may be further sub-divided into two or more subordinate heads.

(*c*) "Subordinate head" means the head of accounts immediately subordinate to a minor head under which each minor head is classified and may be further sub-divided into two or more primary units.

(*d*) "Primary unit" means the ultimate group or groups into which individual items of expenditure in the budget estimates are arranged.

Reductions or transfers.

2. (*1*) Subject to the provisions of sub-section (*1*) of section 101, the Corporation may, on the recommendation of the Standing Committee from time to time during an official year, sanction the transfer of any amount from one budget grant to another.

(*2*) The Standing Committee may at any time during an official year—

(*a*) reduce the amount of a budget grant;

(*b*) sanction the transfer of any amount within a budget grant from one minor head to another or from a subordinate head under one minor head to a subordinate head under another minor head; or

(*c*) sanction the transfer of any amount exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another.

(3) The Commissioner may, at any time during an official year, sanction the transfer of any amount not exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another, if such transfer does not involve a recurring liability :

Provided that every transfer of an amount exceeding rupees five hundred made under sub-rule (3) shall be reported forthwith by the Commissioner to the Standing Committee.

(4) When making any transfer under sub-rules (1), (2) and (3), due regard shall be had to all the requirements of this Act.

(5) If any such reduction as is referred to in clause (a) of sub-rule (2) is of an amount exceeding five hundred rupees, the Corporation may pass with regard thereto such order as it may think fit, and it shall be incumbent on the Standing Committee and the Commissioner to give effect to such order.

(6) For the purpose of expenditure from the Transport Fund the provisions of this rule shall apply as if for the words "Standing Committee" the words "Transport Committee" and for the word "Commissioner" the words "Transport Manager" had been substituted.

CHAPTER VIII.

TAXATION RULES.

Notice of transfer, etc., of premises assessable to Property-taxes.

Notice to be given to Commissioner of all transfers of title of persons primarily liable to payment of property tax.

1. (1) Whenever the title of any person primarily liable for the payment of property-taxes on any premises to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall, within three months after execution of the instrument of transfer, or after its registration, if it be registered, or after the transfer is effected, if no instrument be executed, give notice of such transfer, in writing to the Commissioner.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise, shall give notice of such transfer to the Commissioner within one year from the death of the deceased.

Form of notice.

2. (1) The notice to be given under rule 1 shall be in such form as the Commissioner may from time to time by public notice specify and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the Commissioner may, if he thinks it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Indian Registration Act, 1908, or, in case of a transfer of the title of a deceased person, of any other document constituting evidence of such transfer.

(3) No such notice shall be deemed to be validly given unless the property taxes due at the date of notice in respect of the premises to which it relates have been paid and unless such fee as may from time to time be prescribed by the Standing Committee for acceptance of the notice has been paid.

Liability for payment of property-taxes to continue in the absence of any notice of transfer.

3. (*1*) If any person primarily liable for the payment of a property-tax whose title to or over such premises is transferred fails to give notice of such transfer to the Commissioner, he shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all property-taxes from time to time payable in respect of the said premises until he gives such notice, or until the transfer shall have been recorded in the Commissioner's books.

(*2*) Nothing in this rule shall be held to diminish the liability of the transferee for the said property-taxes, or to affect the prior claim of the Commissioner on the premises conferred by section 141 for the recovery of the property-taxes due thereupon.

Commissioner may call for information from Registrar.

4. (*1*) On the written request of the Commissioner, the Registrar or Sub-Registrar of the district or sub-district formed for the purposes of the Indian Registration Act, 1908, in which the City is situate shall furnish such particulars regarding the registration of instruments of transfer of title to immovable properties in the City as the Commissioner may from time to time specify.

(*2*) Such information shall be furnished as soon as may be after the registration of an instrument of transfer is effected or, if the Commissioner so requests, in periodical returns made at such intervals as the Commissioner may fix.

Notice to be given to Commissioner of the erection of a new building, etc.

5. (*1*) When any new building is erected, or when any building is rebuilt or enlarged, or when any building which has been vacant is reoccupied, the person primarily liable for the property-taxes assessed on the building shall within fifteen days give notice thereof. in writing, to the Commissioner.

(*2*) The said period of fifteen days shall be counted from the date of the completion or of the occupation, whichever first occurs, of the building which has been newly erected or rebuilt, or of the enlargement, as the case may be, and in the case of a building which has been vacant, from the date of the reoccupation thereof.

Notice to be given to the Commissioner of demolition or removal of a building.

6. (*1*) When any building or any portion of a building which is liable to the payment of a property-tax is demolished or removed, otherwise than by order of the Commissioner, the person primarily liable for the payment of the said tax shall give notice thereof in writing to the Commissioner.

(*2*) Until such notice is given the person aforesaid shall continue liable to pay every such property tax as he would have been liable to pay in respect of such building if the same, or any portion thereof, had not been demolished or removed:

Provided that nothing in this rule shall apply in respect of a building or portion of a building which has fallen down or been burnt down.

Rateable value how to be determined.

7. (*1*) In order to fix the rateable value of any building or land assessable to a property-tax there shall be deducted from the amount of the annual rent for which such land or building might reasonably be expected to let from year to year a sum equal to ten per cent. of the said annual rent, and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever.

(2) All plant and machinery contained or situate in or upon any building or land and belonging to any of the classes specified from time to time by public notice by the Commissioner, with the approval of the Corporation, shall be deemed to form part of such building or land for the purpose of fixing the rateable value thereof under sub-rule (1) but, save as aforesaid, no account shall be taken of the value of any plant or machinery contained or situated in or upon any such building or land.

(3) A statement setting out clearly the classes of plant and machinery specified from time to time by the Commissioner under sub-rule (2) and describing in detail what plant and machinery falls within each such class shall be prepared by the Commissioner under the directions of the Standing Committee and shall be open to inspection at all reasonable hours by members of the public at the chief municipal office.

(4) Printed copies of the statement prepared under sub-rule (3) shall be kept on sale at the chief municipal office at such price as the Commissioner may fix.

Commissioner may call for information or return from owner or occupier or enter and inspect assessable premises.

8. (1) To enable him to determine the value of any building or land and the person primarily liable for the payment of any property tax leviable in respect thereof, the Commissioner may require the owner or occupier of such building or land, or of any portion thereof, to furnish him, within such reasonable period as the Commissioner prescribes in this behalf, with information or with a written return signed by such owner or occupier:—

(a) as to the name and place of abode of the owner or occupier, or of both the owner and occupier of such building or land;

(b) as to the dimensions of such building or land, or of any portion thereof and the rent, if any, obtained for such building or land, or any portion thereof; and

(c) as to the actual cost or other specified details connected with the determination of the value of such building or land.

(2) Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his knowledge or belief.

(3) Whoever omits to comply with any such requisition or fails to give true information or to make a true return to the best of his knowledge or belief shall, in addition to any penalty to which he may be liable, be precluded from objecting to any assessment made by the Commissioner in respect of such building or land of which he is the owner or occupier.

(4) The Commissioner may also, for the purpose aforesaid, make an inspection of any such building or land.

Assessment-book.

Assessment book what to contain.

9. The Commissioner shall keep a book, to be called "the assessment-book", in which shall be entered every official year—

(a) a list of all buildings and lands in the City, distinguishing each either by name or number as he shall think fit, and containing such particulars regarding the location or nature of each as will, in his opinion, be sufficient for identification;

(*b*) the rateable value of each such building and land determined in accordance with the provisions of this Act and the rules;

(*c*) the name of the person primarily liable for the payment of the property-taxes, if any, leviable on each such building or land;

(*d*) if any such building or land is not liable to be assessed to the general tax, the reason of such non-liability;

(*e*) when the rates of the property-taxes to be levied for the year have been duly fixed by the Corporation and the period fixed by public notice, as hereinafter provided, or the receipt of complaints against the amount of rateable value entered in any portion of the assessment book has expired, and in the case of any such entry which is complained against, when such complaint has been disposed of in accordance with the provisions hereinafter contained, the amount at which each building or land entered in such portion of the assessment-book is assessed to each of the property-taxes, if any, leviable thereon;

(*f*) if, under section 134 or 135, a charge is made for water supplied to any building or land by measurement or the water-tax or charge for water by measurement is compounded for, or if, under section 137, the conservancy tax for any building or land is fixed at a special rate, the particulars and amount of such charge, composition or rate;

(*g*) such other details, if any, as the Commissioner from time to time thinks fit to direct.

The assessment book to be made separately for each ward and in parts, if necessary.

10. (*1*) The assessment-book may, if the Commissioner thinks fit, be made in separate books, called "ward assessment-books", one for each of the wards into which the City is for the time being divided for the purpose of elections; and each ward assessment-book may be divided into two or more parts for such purposes and with such several designations as the Commissioner shall determine.

(*2*) The ward assessment-books and their respective parts, if any, shall collectively constitute the assessment-book.

Treatment of property which is let to two or more persons in separate occupancies.

11. (*1*) When any building or land is let to two or more persons holding in severalty, the Commissioner may, for the purpose of assessing such building or land to the property taxes, either treat the whole thereof as one property, or, with the written consent of the owner of such building or land, treat each several holding therein or any two or more of such several holdings together, or each floor or flat, as a separate property.

(*2*) When the Commissioner has determined to treat all the several holdings comprised within any one building or land under this section as one property, he may, subject to any general conditions which may from time to time be prescribed by the Standing Committee in this behalf, at any time not later than seven days before the first day of any half-year for which an instalment of general tax will be leviable in respect of the said property, sanction a drawback of one-fifth part of the general tax so leviable.

(*3*) Every person who applies for a drawback under sub-rule (2) shall furnish to the Commissioner full and correct information regarding the property in respect of which the claim for drawback is made and the several holdings comprised therein in such form and with such particulars as may be required by the Commissioner in accordance with the general conditions prescribed in this behalf by the Standing Committee.

12. (*1*) When the name of the person primarily liable for the payment of property-taxes in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment-book and in any notice which it may be necessary to serve upon the said person under this Act, " the holder " of such premises, without further description.

(*2*) If, in any such case, any person in occupation of the premises shall refuse to give such true information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all property-taxes leviable on the premises of which he is in occupation.

Procedure where name of person primarily liable for property taxes cannot be ascertained.

13. (*1*) When the entries required by clauses (*a*), (*b*), (*c*) and (*d*) of rule 9 have been completed, as far as practicable, in any ward assessment-book, the Commissioner shall give public notice thereof and of the place where the ward assessment-book, or a copy of it, may be inspected.

(*2*) Such public notice shall be given by advertisement in the local newspapers, and also by posting placards in conspicuous places throughout the ward.

Public notice to be given when valuation of property in any ward has been completed.

14. (*1*) Every person who reasonably claims to be the owner or occupier of some premises entered in the assessment-book or the agent of any such owner or occupier shall be permitted, free of charge, to inspect and to take extracts from any portion of the said book which relates to the said premises.

(*2*) Any person not entitled under sub-rule (1) to inspect and take extracts from any portion of the assessment-book free of charge shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the Standing Committee.

Assessment-book to be open to inspection.

15. (*1*) The Commissioner shall, at the time and in the manner prescribed in rule 13, give public notice of a day, not being less than fifteen days from the publication of such notice, on or before which complaints against the amount of any rateable value entered in the ward assessment-book will be received in his office.

(*2*) In every case in which any premises have for the first time been entered in the assessment-book as liable to the payment of property-taxes, or in which the rateable value of any premises liable to such payment has been increased, the Commissioner shall, as soon as conveniently may be after the issue of the public notice under sub-rule (1), give a special written notice to the owner or occupier of the said premises specifying the nature of such entry and informing him that any complaint against the same will be received in his office at any time within fifteen days from the service of the special notice.

Time for filing complaints against valuations to be publicly announced.

16. (*1*) Every complaint against the amount of any rateable value entered in the assessment-book or against the mention of the name of any person as primarily liable for the payment of property taxes or against the treatment of any building or land as liable to be assessed to the general tax must be made by written application to the Commissioner, which shall be left at his office on or before the day or the latest day fixed in this behalf in the public or special notice aforesaid.

(*2*) Every such application shall set forth briefly but fully the grounds on which the valuation is complained against,

Time and manner of filing complaints against valuation.

Notice to complainants of day fixed for investigating their complaints.

17. The Commissioner shall cause all complaints so received to be registered in a book to be kept for this purpose and shall give notice, in writing, to each complainant, of the day, time and place when and whereat his complaint will be investigated.

Hearing of complaint.

18. (*1*) At the time and place so fixed, the Commissioner shall investigate and dispose of the complaint in the presence of the complainant, if he shall appear, and, if not, in his absence.

(*2*) For reasonable cause, the Commissioner may from time to time adjourn the investigation.

(*3*) When the complaint is disposed of, the result thereof shall be noted in the book of complaints kept under rule 17 and any necessary amendment shall be made in accordance with such result in the assessment-book.

Authentication of ward assessment-books when all complaints have been disposed of.

19. (1) When all such complaints, if any, have been disposed of and the entries required by clause (*e*) of rule 9 have been completed in the ward assessment-book, the said book shall be authenticated by the Commissioner, who shall certify, under his signature, that except in the cases, if any, in which amendments have been made as shown therein, no valid objection has been made to the rateable values entered in the said book.

(2) Thereupon the said ward assessment-book subject to such alterations as may thereafter be made therein under the provisions of rule 20 shall be accepted as conclusive evidence of the amount of each property-tax leviable on each building and land in the ward in the official year to which the book relates.

Assessment-book may be amended by the Commissioner during the official year.

20. (*1*) Subject to the provisions of sub-rule (2) the Commissioner may upon the representation of any person concerned or upon any other information at any time during the official year to which the assessment-book relates amend the same—

(*a*) by inserting therein the name of any person whose name ought to be so inserted or any premises previously omitted;

(*b*) by striking out the name of any person not liable to the property tax;

(*c*) by increasing or reducing the amount of any rateable value and of the assessment based thereupon;

(*d*) by altering the assessment on any land or building which has been erroneously valued or assessed through fraud, accident or mistake;

(*e*) by inserting or altering an entry in respect of any building erected, re-erected, altered, added to or reconstructed in whole or in part after the preparation of the assessment book;

(*f*) by making or cancelling any entry exempting any premises from liability to any property tax.

(*2*) Where any amendment is made under sub-rule (1) which has the effect of imposing on any person any liability for the payment of property taxes which would not be incurred but for such amendment or which has the effect of increasing the rateable value of any premises as stated in the assessment book, a special written notice as provided in sub-rule (2) of rule 15 shall be given by the Commissioner and, as far as may be, the procedure laid down in rules 16, 17 and 18 shall be followed.

(*3*) Every such amendment shall be deemed to have been made, for the purpose of determining the liability or exemption of the person concerned in accordance with the altered entry, from the earliest day in the current official year when the circumstances justifying the amendment existed.

21. (*1*) It shall not be necessary to prepare a new assessment book every official year. Subject to the provisions of sub-rule (2), the Commissioner may adopt the entries in the last preceding year's book with such alterations as he thinks fit, as the entries for each new year:

New assessment-book need not be prepared every official year.

Provided that public notice shall be given in accordance with rules 13 and 15 every year and the provisions of the said rules and of rules 16 to 20, both inclusive, shall be applicable each year.

(*2*) A new assessment-book shall be prepared at the least once in every four years.

Special provisions regarding Tax on Vehicles, Boats and Animals.

22. (*1*) The tax on vehicles, boats and animals shall be leviable from the owner of or person having possession or control of any vehicle, boat or animal in respect of which the said tax is leviable:

Person responsible for the payment of the tax on vehicles, boats and animals.

Provided that in the case of an animal generally used or employed in drawing any vehicle the tax in respect of such animal shall be leviable from the owner of, or the person having possession or control of, such vehicle, whether or not such animal is owned by such owner or person.

(*2*) For the purposes of this rule, the person in whose name a motor vehicle is for the time being registered under the Motor Vehicles Act, 1939, shall, until the contrary is proved, be presumed to be the owner or person in possession or control of such motor vehicle.

23. (*1*) The Commissioner shall keep a book, in which shall be entered from time to time:—

Vehicle, boat and animal tax book to be kept.

(*a*) a list of the persons liable to pay any tax under rule 22;

(*b*) a specification of the vehicles, boats and animals in respect of which the said persons are, respectively, liable to the said tax;

(*c*) the amount of tax payable by each such person and the period for which it is payable;

(*d*) the particulars of every composition made under section 144.

(*2*) Any person whose name is entered in the said book, or the agent of any such person, shall be permitted, free of charge, to inspect and take extracts from any portion of the said book which relates to such person.

(*3*) Any person not entitled under sub-rule (2) to inspect and take extracts from any portion of the said book, free of charge, shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the Standing Committee.

24. (*1*) The owner of any premises let to or occupied by more than one person owning or having possession or control of vehicles, boats and animals liable to the payment of the tax on vehicles, boats and animals shall on or before the first day of April and the first day of October in each year furnish the Commissioner with a written return, signed by such owner, of the name and address of each of the said persons, and of the animals, boats and vehicles owned by or in the possession or under the control of each of the said persons kept upon such owner's premises.

Returns from owners of premises and persons liable to the tax.

(*2*) Every person who owns or has in his possession a vehicle, boat or animal liable to the payment of the tax on vehicles, boats and animals shall

on or before the first day of April and the first day of October in each year, or within fifteen days of the receipt of a special notice in this behalf from the Commissioner furnish the Commissioner with a written return, signed by such person and containing such information concerning the vehicle, boat or animal, if any, owned by or in the possession or under the control of such person as the Commissioner from time to time specifies by public notice.

(*3*) Every such owner or person as is referred to in sub-rule (1) and sub-rule (2), respectively, shall be bound to make a true return to the best of his knowledge or belief, whether or not he is liable to the payment of the tax.

Notice to be given to Commissioner by a person who becomes owner or possessed of a vehicle, boat or animal in respect of which liability arises, etc.

25. (*1*) Every person who becomes the owner or obtains possession or control of any vehicle, boat or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner within fifteen days after he has become the owner or has obtained possession or control of such vehicle, boat or animal, of the fact that he has become the owner or has obtained possession or control of such vehicle, boat or animal, as the case may be.

(*2*) Every person who ceases to own or have possession or control of any vehicle, boat or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner of the fact that he has ceased to own or have possession or control of such vehicle, boat or animal. Such person shall, in addition to any other penalty to which he may be liable, continue to be liable for the payment of the said tax leviable from time to time in respect of such vehicle, boat or animal until he gives such notice :

Provided that nothing herein contained shall be held to diminish the liability to pay the said tax of the person who becomes the owner or obtains possession or control of such vehicle, boat or animal or affect the prior claim of the Commissioner on such vehicle, boat or animal for the recovery of any tax due in respect thereof.

Special provisions relating to Octroi and Tolls.

Table of rates of octroi to be affixed on certain places.

26. The Commissioner shall cause tables of the octroi for the time being leviable, specifying the rates at which and the articles on which the same are leviable, to be printed in such language or languages as the Corporation may from time to time specify in this behalf, and to be affixed in a conspicuous position at every place at which the said octroi is levied.

Table of tolls to be affixed in a conspicuous position.

27. The Commissioner shall cause a table of the tolls for the time being leviable, specifying the amounts and the terms on which the liability to pay the toll may be compounded by periodical payments, to be printed in such language or languages as the Corporation may from time to time specify in this behalf, and to be affixed in a conspicuous position at every place at which the said tolls are levied.

Power to keep account-current with person, firm or public body in lieu of levying octroi on production of goods.

28. (*1*) The Commissioner may at any time with the approval of the Standing Committee instead of requiring payment of octroi due from any person, mercantile firm or public body to be made at the time when the goods in respect of which the octroi is leviable are introduced into the City direct that an account-current shall be kept on behalf of the Corporation of the octroi so due from such person, firm or body.

(*2*) Such account shall be settled at intervals not exceeding one month, and such person, firm, or public body shall give such information or details and make such deposit or furnish such security as the Commissioner shall consider sufficient to cover the amount which may at any time be due from such person, firm, or body in respect of such dues.

(*3*) Any amount so due at the expiry of any such interval shall be recoverable by distress and sale of the moveable property or attachment and sale of the immovable property of the defaulter as if such amount were a property tax due by the said defaulter.

Power to examine articles liable to octroi.

29. (*1*) A person bringing into or receiving from beyond the limits of the City any goods shall, when required by an officer authorized in this behalf by the Commissioner and so far as may be necessary for ascertaining whether octroi is payable on such goods and the amount of tax chargeable,—

(*a*) unload and reload all the goods or such of them as may be required by that officer;

(*b*) permit that officer to inspect, examine, weigh, stamp, seal or otherwise mark for purposes of identification such goods;

(*c*) permit that officer to inspect and examine any animal or vehicle on or in which such goods are loaded;

(*d*) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to such animal or goods; and

(*e*) make a declaration in writing to that officer regarding the correctness and accuracy of the document shown to him.

(*2*) Every person in charge of such vehicle shall make a full and correct declaration of the goods carried in such vehicle.

(*3*) If any person bringing into or receiving from beyond the limits of the City any vehicle or package shall refuse on the demand of an officer authorized by the Commissioner in this behalf to permit the officer to inspect the contents of the vehicle or package for the purpose of ascertaining whether it contains anything in respect of which octroi is payable, the officer may cause the vehicle or package to be taken without unnecessary delay before a Magistrate or such officer of the Corporation as the Commissioner appoints in this behalf who shall cause the inspection to be made in his presence.

Collection of taxes.

Property-taxes payable half-yearly in advance.

30. Each of the property-taxes shall be payable in advance in half yearly instalments on each first day of April and each first day of October.

Tax on vehicles, boats and animals payable in advance.

31. (*1*) The tax on vehicles, boats and animals, including the tax payable under the proviso to clause (*f*) of sub-section (*1*) of section 143, shall be paid half-yearly in advance on each first day of April and each first day of October.

If in any half-year a vehicle, boat or animal becomes liable to such tax, such tax shall be leviable thereon from the earliest day in the half-year on which such vehicle, boat or animal so becomes liable and the amount of tax leviable for such half-year shall be, if such earliest day occurs—

(*a*) in the first two months of such half-year, the whole tax for such half-year;

(*b*) in the third or fourth month of such half-year, two-thirds of the tax for such half-year;

(*c*) in the last two months of such half-year, one-third of the tax for such half-year, provided that no tax shall be leviable for such half-year if such earliest day occurs within the last twenty days of such half-year.

(2) Notwithstanding anything in sub-rule (1), the Commissioner may, with the previous approval of the Corporation, by public notice declare that the tax payable in respect of such class of vehicles other than motor vehicles or in respect of such animals as are specified in the notice shall be payable yearly in advance on each first day of April and, in the event of such notice being given, if a vehicle or animal affected by such notice becomes liable to the tax during the course of the year, the tax shall be leviable thereon from the earliest day in such year, and the amount of tax leviable for such year shall be, if such earliest day occurs—

(*a*) in the first quarter of such year, the whole tax for such year;

(*b*) in the second quarter of such year, two-thirds of the tax for such year;

(*c*) in the third quarter of such year, one-half of the tax for such year;

(*d*) in the last quarter of such year, one-third of the tax for such year:

Provided that no tax shall be levied for such year if such earliest day occurs within the last twenty days of such year.

Display of tokens, badges or discs on vehicles liable to tax on vehicles, boats and animals.

32. (*1*) Every person who pays the tax on vehicles, boats and animals in respect of any vehicle shall be given a token or badge or disc indicating clearly the period for which the tax has been paid and bearing a distinctive number and shall at all times display such token, badge or disc prominently on such vehicle.

(2) Any vehicle found in the City on which no such token, badge or disc is displayed may, if there is reason to believe that such vehicle is liable to the tax on vehicles, boats and animals and if the owner of such vehicle is not known or cannot be traced, be seized by any municipal officer authorised in this behalf by the Commissioner and detained.

(3) If any person, within one month of the seizure of a vehicle under sub-rule (2), establishes his claim thereto to the satisfaction of the Commissioner, the Commissioner shall order such vehicle to be delivered to such person upon payment by such person of the amount of tax, if any, due and of such amount as the Commissioner may fix as the costs of seizure and detention.

(4) If within the said period of one month the vehicle is not claimed by any person or if no claim made under sub-rule (3) is established to the satisfaction of the Commissioner, the vehicle may be sold by public auction and the proceeds of such sale, after deducting the tax, if any, due and all costs incurred on seizure, detention and sale, shall be delivered to any person who within six months of the sale establishes his claim thereto or, if no such claim is received or established, shall be forfeited to the Corporation.

(5) For every token, badge or disc given under sub-rule (1) a fee shall be payable of such amount as the Commissioner may, with the previous approval of the Standing Committee, prescribe for each kind of token, badge or disc.

Octroi payable on demand.

33. (*1*) Octroi shall be payable on demand.

(2) Every person authorized by the Commissioner to demand octroi shall tender to every person on whom the demand is made a bill specifying the goods taxable, the amount claimed, and the rate at which the tax is calculated.

34. (*1*) Tolls shall be payable on demand. Tolls payable on demand.

(2) Every person authorized by the Commissioner to demand tolls shall tender to every person on whom the demand is made a bill showing the amount of the toll and the rate at which it is claimed.

35. Octroi and tolls may be collected under the orders of the Commissioner by municipal officers and servants appointed in this behalf or, if the Commissioner thinks fit, may, with the approval of the Standing Committee, be farmed by him for any period not exceeding one year at a time or be collected by or under the orders of any person whom the Commissioner, with the approval of the Standing Committee, appoints to be his agent for this purpose. Collection of octroi and tolls how to be effected.

36. Theatre Tax shall be payable at the chief municipal office or at such other place or places as the Commissioner may from time to time appoint in this behalf at least twelve hours in advance of the commencement of the performance in respect of which the tax is due by the person responsible for the management of such performance. Theatre tax payable in advance.

37. The Commissioner may arrange with any person liable for the payment of Theatre Tax in respect of a series of performances intended to be given of any amusement or entertainment for the payment by such person in one amount for such series extending over not more than one month at a time in lieu of separate payments for each performance. Payment of Theatre Tax for series of performances in lump.

38. If the Theatre Tax is not paid in respect of any performance the Commissioner shall, by written notice, call upon the defaulter to pay the amount due within such period as may be specified in the notice and may, if the payment is not made within the specified period, recover the amount by distress and sale of the moveable property or attachment and sale of the immovable property of the defaulter as if the amount were a property-tax due by him. Recovery of Theatre Tax in case of default.

39. (*1*) When any property tax or tax on vehicles, boats and animals or any tax declared by or under this Act to be recoverable in the manner provided for a property tax, or any instalment of any such tax shall become due, the Commissioner shall, with the least practicable delay, cause to be served on the person liable for the payment thereof a bill for the sum due. Presentation of bills for certain taxes.

(2) Every such bill shall specify the period for which, and the premises, property, occupation, vehicle, boat, animal or thing in respect of which the tax is charged, and shall also give notice of the time within which an appeal may be preferred against such tax and of the consequences of default in payment as hereinafter provided.

40. (*1*) All the sums due for each period for all or any of the property taxes by any one person on account of one and the same property shall be charged to such person in one bill and shall be recoverable from him in the lump: When one bill may be presented for several claims.

Provided that nothing herein contained shall affect the liability of such person to any increased tax to which he may be assessed on account of the said property owing to a revision of the rateable value.

(2) If any one person is liable for all or any of the said taxes on account of more properties than one, it shall be competent to the Commissioner to charge to such person in one or several bills, as he shall think fit, the several sums payable by him on account of such properties:

Provided that if such person, by written notice to the Commissioner, request to be furnished with several bills, the Commissioner shall comply with such request in respect of all the said taxes for which such person becomes liable after receipt by the Commissioner of the notice.

Notice of demand.

41. (*1*) If the amount of tax for which any bill has been served as aforesaid is not paid into the municipal office or deposited with the Commissioner as required by sub-section (*2*) of section 406 within fifteen days from the service thereof, the Commissioner may cause to be served upon the person liable for the payment of the same a notice of demand in Form G or to the like effect.

(*2*) For every notice of demand which the Commissioner causes to be served on any person under this section, a fee which shall amount to eight annas if the amount of the bill does not exceed one hundred rupees and to eight annas for every hundred rupees or part thereof if the amount of the bill exceeds one hundred rupees shall be payable by the said person and shall be included in the costs of recovery.

Distress or attachment.

42. (*1*) If the person on whom a notice of demand has been served under rule 41 does not within fifteen days from such service pay the sum demanded or show sufficient cause for non-payment of the same to the satisfaction of the Commissioner, and if no appeal is preferred against the said tax, as hereinafter provided, such sum, with all costs of the recovery, may be levied under a warrant in Form H or to the like effect, to be issued by the Commissioner, by distress and sale of the moveable property of the defaulter or the attachment and sale of the immovable property of the defaulter or, if the defaulter be the occupier of any premises in respect of which a property-tax is due, by distress and sale of any moveable property found on the said premises or, if the tax be due in respect of any vehicle, boat or animal, by distress and sale of such vehicle, boat or animal in whomsoever's ownership, possession or control, the same may be.

(*2*) If after the service of the notice of demand the amount of the said tax is paid but the fee for the notice is not paid the sum due on account of the said fee may be levied under a warrant in the Form H (*mutatis mutandis*) to be issued by the Commissioner in the same manner as if such sum were due on account of the tax.

Property of defaulter may be distrained or attached wherever found.

43. (*1*) Where any property of a defaulter or any vehicle, boat or animal liable to be distrained or attached is situate within the City the warrant issued under rule 42 shall be addressed to an officer of the Corporation.

(*2*) Where such property, vehicle, boat or animal is situate outside the City, the warrant shall be addressed to—

(*a*) the Registrar, Court of Small Causes, Bombay, if such property, vehicle, boat or animal is situate in the City of Bombay ;

(*b*) the Commissioner, if such property, vehicle, boat or animal is situate in a City ;

(*c*) the Chief Officer or the Vice-President if such property, vehicle, boat or animal is situate in a municipal borough or municipal district, respectively ;

(*d*) the Executive Officer of the Cantonment if such property, vehicle, boat or animal is situate in a cantonment ;

(*e*) an officer of Government not lower in rank than a Mahalkari if such property, vehicle, boat or animal is situate elsewhere.

(*3*) Any officer to whom a warrant is addressed under sub-rule (2) may endorse such warrant to a subordinate officer.

Warrant how to be executed in case of moveable property.

44. (*1*) It shall be lawful for the officer to whom a warrant for the distraint and sale of any moveable property issued under rule 42 is addressed or endorsed to break open at any time between sunrise and sunset any outer or inner door or window of any building, in order to

make any distress directed in the warrant, if he has reasonable ground for believing that such building contains property which is liable to seizure under the warrant, and if, after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance :

Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given such women an opportunity to remove.

(2) It shall also be lawful for such officer to distrain, wherever the same may be found, any property of the person named in the said warrant as defaulter, provided that the following property shall not be distrained, namely—

(a) the necessary wearing apparel and bedding of the defaulter, his wife and children ;

(b) the tools of artizans ;

(c) if the defaulter is an agriculturist, his implements of husbandry, seed-grain and such cattle as may be necessary to enable the defaulter to earn his livelihood.

Warrant how to be executed in case of immovable property.

45. (1) When a warrant is issued under rule 42 for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, and declaring that the property will be sold unless the amount due, with the costs of recovery, are paid into the municipal office within five days.

(2) Such order shall be proclaimed at some place on or adjacent to the property by beat of drum or other customary mode, and a copy of the order shall be fixed on a conspicuous part of the property and upon a conspicuous part of the municipal office and also, when the property is land paying revenue to the Provincial Government, in the office of the Collector of the district in which the land is situate.

(3) Any transfer of a charge on the property attached or of any interest therein made without the written permission of the Commissioner shall be void as against all claims of the Corporation enforceable under the attachment.

Inventory and notice of distress and sale.

46. The officer charged with the execution of a warrant of distress shall forthwith make an inventory of the moveable property or vehicles, boats or animals which he seizes under such warrant, and shall at the same time give a written notice in Form I or in a similar form to the person in possession thereof at the time of seizure that the said property or vehicles, boats or animals will be sold as therein mentioned.

Sale.

47. (1) Where the property seized is subject to speedy and natural decay or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the Commissioner shall at once give notice to the person in whose possession the property was, when distrained, to the effect that it will be sold at once, and shall sell it accordingly unless the sum due and the costs of recovery are paid forthwith.

(2) If not sold at once under sub-rule (1) the property distrained or attached or, in the case of immovable property, a sufficient portion thereof may, after the expiry of the period stated in sub-rule (1) of rule 45, or named in the notice served under rule 46, as the case may be, be sold by public auction by order of the Commissioner, unless the warrant is suspended by him or the sum due

and the costs of recovery are paid by the defaulter, and the Commissioner shall apply the proceeds or such part thereof as shall be requisite in discharge of the sum due and of the costs of recovery.

(*3*) The surplus, if any, shall be forthwith credited to the Municipal Fund, but, if the same be claimed by written application to the Commissioner within six months from the date of the sale, a refund thereof shall be made to the person in possession of the property at the time of the seizure or attachment and any surplus not claimed within six months as aforesaid shall be the property of the Corporation.

(*4*) Where the sum due and the costs of recovery are paid by the defaulter before a sale is effected, the property seized shall be returned to him and the attachment, if any, of immovable property shall be deemed to have been removed.

(*5*) Sales of immovable property under this rule shall be held in the manner laid down in the standing orders.

(*6*) After sale of the immovable property as aforesaid the Commissioner shall put the person declared to be the purchaser in possession of the same and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.

(*7*) It shall be lawful for the Commissioner on behalf of the Corporation to offer a nominal bid in the case of any immovable property put up for sale, provided the previous approval of the Standing Committee is obtained to such bidding.

(*8*) The Commissioner may direct the removal from the immovable property by any police officer of any person who obstructs him in any action taken in pursuance of sub-rule (6) and may also use such force as is reasonably necessary to effect entry on the said property.

Sale outside City.

48. (*1*) Where the warrant is addressed outside the City, the Commissioner may by endorsement direct the person to whom the warrant is addressed to sell the property distrained or attached; and in such case it shall be lawful for such person to sell the property and to do all things incidental to the sale in accordance with the provisions of rule 47 and to exercise the powers and perform the duties of the Commissioner under the said rule in respect of such sale, except the power of suspending the warrant.

(*2*) Such person shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the Commissioner, who shall dispose of the same in accordance with the provisions of the said rule.

Special provisions in regard to non-payment of octroi or toll.

49. (*1*) In the case of non-payment of any octroi or any toll on demand by any person authorized in this behalf by the Commissioner such person may seize any goods on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable or any part of the burden of such vehicle or animal which is in his opinion of sufficient value to satisfy the demand together with the expenses incidental to the seizure, detention and eventual sale, if necessary, of such animal, goods, vehicle, burden or part thereof, and may detain the same. He shall thereupon give the person in possession of the vehicle, animal or thing seized, a list of the property together with a written notice in Form I.

(*2*) When any property seized is subject to speedy decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such property may inform the person in whose possession it was that it will be sold at once; and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded and the expenses incidental to the seizure be forthwith paid.

(*3*) If at any time before a sale has begun, the person from whose possession the property has been seized, tenders at the municipal office the amount of all expenses incurred and of the octroi or toll payable, the Commissioner shall forthwith deliver to him the property seized.

(*4*) If no such tender is made, the property seized may be sold, and the proceeds of such sale shall be applied in payment of such octroi, and the expenses incidental to the seizure, detention and sale.

(*5*) The surplus, if any, of the sale proceeds shall be credited to the Municipal Fund, and may, on application made to the Commissioner in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and if no such application is made, shall become the property of the Corporation.

(*6*) The expenses incidental to the seizure of any property under this rule shall be determined in such manner as the Commissioner may specify in this behalf but shall not in any case exceed ten per cent. of the amount of octroi or toll payable.

Fees for warrants issued, etc.

50. For every warrant issued, distraint or attachment made and for the maintenance of any animal seized fees shall be charged at such rates as the Corporation may from time to time specify with the sanction of the Provincial Government and such fees shall be included in the costs of recovery.

Fees for cost of recovery may be remitted.

51. The Commissioner may, in his discretion, remit the whole or any part of any fee chargeable under rule 41 or 50.

Attachment of rent due.

52. (*1*) Where a bill for any sum due on account of any property-tax is served upon an occupier of premises pursuant to sub-section (*1*) of section 140, the Commissioner may at the time of service or at any subsequent time cause to be served upon the occupier a notice requiring him to pay to the Corporation any rent due or falling due from him to the person primarily liable for the payment of the said tax to the extent necessary to satisfy the said sum due.

(*2*) Such notice shall operate as an attachment of the said rent until the said sum due on account of property-tax shall have been paid and satisfied, and the occupier shall be entitled to credit in account with the person to whom the said rent is due for any sum paid by him to the Corporation in pursuance of such notice.

(*3*) If the occupier shall fail to pay to the Corporation any rent due or falling due which he has been required to pay in pursuance of a notice served upon him as aforesaid the amount of such rent may be recovered from him by the Corporation as if it were an arrear of property-tax under section 140, provided that sub-section (*3*) of the said section shall not apply to such recovery.

Summary proceedings may be taken against persons about to leave the City.

53. (*1*) If the Commissioner shall at any time have reason to believe that any person from whom any sum is due on account of any tax other than octroi or a toll or Theatre Tax is about forthwith to remove from the City, the Commissioner may direct the immediate payment by such person of the sum so due by him and cause a bill for the same to be served on him.

(*2*) If, on service of such bill, the said person do not forthwith pay the sum due by him or show cause to the satisfaction of the Commissioner for not doing so the amount shall be leviable by distress and sale in the manner hereinbefore

57. (*1*) No refund of any property tax shall be claimed from the Commissioner as aforesaid, unless notice in writing of the vacancy shall have been given by the person liable for the tax, or his agent, to the Commissioner.

Refund not claimable unless notice of vacancy is given to Commissioner.

(*2*) No refund shall be paid by the Commissioner for any period previous to the day of the delivery of such notice unless the notice is given within seven days of the occurrence of the vacancy, in which case refund shall be paid as from the day of the occurrence of the vacancy.

(*3*) When a vacancy continues from one period in respect of which property-taxes, or any instalment thereof, are recoverable, into the next following period, no refund of any property tax shall be claimable from the Commissioner as aforesaid on account of such continued vacancy, unless notice thereof shall be given to the Commissioner as aforesaid within thirty days from the commencement of the said next following period and such notice of vacancy shall be required notwithstanding that notice of vacancy required to be given under sub-rule (1) was not given until after the expiry of the period in which the vacancy occurred.

58. No refund of water-tax shall be claimable in respect of premises with a separate water connection unless a written application shall have been made to the Commissioner to stop the water supply to the vacant premises.

Refund of water tax inadmissible unless application for stopping water supply has been made.

59. It shall be in the discretion of the Commissioner to disallow any claim for refund of any property-tax unless application therefor is made to him in writing within thirty days after the expiry of the period to which the claim relates, accompanied by the bill served on the applicant for the amount of the tax from which the refund is claimed.

Applications for refund when and how to be made.

60. (*1*) If the tax leviable on any vehicle, boat or animal in respect of any half year has been paid and if during such half year such vehicle, boat or animal ceases to be kept within the City or, if kept outside, ceases to be used in the City or is destroyed or is otherwise rendered unfit for use or if such vehicle or boat has been under repairs or if such animal has been kept in any institution for the reception of infirm or disused animals or is certified by a Veterinary Surgeon to have become unfit for use and has not been used, the person who paid the tax leviable on such vehicle, boat or animal shall, subject to the provisions hereinafter contained, and, on the Commissioner or any officer authorised by him being satisfied in this behalf, be entitled to receive from the Commissioner, if the period in such half year for which such vehicle, boat or animal has not been kept in the City or has not been used, on account of such vehicle, boat or animal being destroyed or rendered unfit for use or on account of such vehicle or boat being under repairs or such animal being kept in any institution for the reception of infirm or disused animals or such animal having been certified by a Veterinary Surgeon to have become unfit for use, is—

Refund of tax on vehicles, boats and animals when and to what extent obtainable.

(*a*) not less than one hundred and seventy days, the full amount of the tax paid,

(*b*) not less than one hundred and fifty days, three-fourths of the tax paid,

(*c*) not less than one hundred and twenty days, two-thirds of the tax paid,

(*d*) not less than ninety days, one-half of the tax paid,

(*e*) not less than sixty days, one-third of the tax paid.

prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand, and the Commissioner's warrant for distress and sale may be issued and executed without any delay.

Defaulters may be sued for arrears, if necessary.

54. Instead of proceeding against a defaulter by distress, attachment and sale as hereinbefore provided, or after a defaulter shall have been so proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be, by such defaulter, on account of a tax may be recovered from him by a suit in any Court of competent jurisdiction.

Special provision for service of bills for taxes.

55. Notwithstanding anything contained in sections 472, 473 and 474, a bill for any municipal tax may be served upon the person liable therefor by sending it by ordinary post, under certificate of posting, in a prepaid letter addressed to such person at his last known abode or place of business in the City, and every bill so sent shall be deemed to have been served on the day following the day upon which the envelope or wrapper containing such bill was put in the post and, in proving such service, it shall be sufficient to prove that the envelope or wrapper containing the bill was properly addressed and put in the post under certificate of posting.

Refunds.

Refund of property taxes on account of vacancies.

56. (*1*) When any building or land or any portion of any premises which has been treated as a separate property for the purpose of assessment under any provision of this Act, has been vacant for not less than thirty consecutive days the Commissioner shall, subject to the provisions hereinafter contained, refund the amount of the water tax and conservancy tax, if any, paid for the number of days that such vacancy lasted.

(*2*) When any building or land or any portion of any premises which has been treated as a separate property for the purpose of assessment under any provision of this Act has been vacant for not less than sixty consecutive days the Commissioner shall, subject to the provisions hereinafter contained, refund two-thirds of the amount of the general tax, if any, paid for the number of days that such vacancy lasted:

Provided that no refund of general tax shall be claimable in any case in which the Commissioner has sanctioned a drawback under the provisions of rule 11.

Explanation.—For the purposes of this rule—

(*a*) premises shall be deemed to be vacant only if they are unoccupied and unproductive of rent;

(*b*) premises shall be deemed to be productive of rent if let to a tenant having a continuing right of occupation thereof, whether they are actually occupied by such tenant or not;

(*c*) premises furnished or reserved by the owner for his own occupation whenever required shall be deemed to be occupied, whether they are actually occupied by the owner or not;

(*d*) premises used or intended to be used for the purpose of any industry which is seasonal in character shall not be deemed to be vacant merely on account of their being unoccupied and unproductive of rent during such period or periods of the year in which seasonal operations are normally suspended;

(*e*) a vacancy which has continued during the whole of the month of February shall be deemed to have continued for not less than thirty consecutive days.

No refund of the tax shall be granted if such period is less than sixty days.

(2) When a notice has been given under sub-rule (2) of rule 31, this rule shall apply in respect of vehicles and animals affected by the notice as if for each of the periods specified therein, double the period so specified had been substituted.

Refund not claimable unless notice is given to Commissioner.

61. (1) No refund of the tax shall be claimable from the Commissioner under rule 60 unless notice in writing of the occurrence of the circumstances giving rise to such claim or of the commencement of circumstances which may give rise to such claim has been given to the Commissioner by the person who paid the tax or his agent.

(2) If such notice is not received by the Commissioner within three days of the occurrence or commencement of the circumstances as aforesaid, the period previous to the date of the receipt of the notice shall be excluded in computing the period referred to in rule 60, for the purposes of granting any refund.

(3) It shall be in the discretion of the Commissioner to disallow any claim for refund of the tax, unless application claiming such refund is made to him in writing before the expiry of fifteen days after the end of the half year to which the claim relates and is accompanied by the bill served on the applicant under rule 39 for the amount of the tax from which the refund is claimed or, if no bill was served, the official receipt for such amount.

Refund of octroi or toll on export.

62. Subject to the standing orders, not less than ninety per cent. of the octroi paid on any goods shall be refunded if such goods are exported beyond the limits of the City within six months of payment:

Provided that—

(a) an application for refund shall be made within one week of the date of exportation;

(b) the amount due for refund shall not be less than five rupees;

(c) in the case of goods which have broken bulk, prior intimation has been given to the officer specified in this behalf in the standing orders and the place or places of storage have been reported to him from time to time.

Refunds of Theatre Tax.

63. (1) The Commissioner shall refund the amount of the Theatre-Tax paid in respect of a particular performance if he is satisfied, on the evidence placed before him and after such further inquiry, if any, as he may deem necessary—

(a) that such performance did not actually take place and that the amount, if any, collected from intending spectators has been refunded in full; or

(b) that the whole of the net proceeds of such performance are devoted to a public charitable purpose and that the whole of the expenses of such performance do not exceed twenty per cent. of the gross receipts.

(2) It shall be in the discretion of the Commissioner to disallow any claim for refund of the tax unless application claiming such refund is made to him in writing within three days of the day on which the intended performance in respect of which the tax was paid was due to take place or within seven days of the date of the performance, as the case may be.

CHAPTER IX.

DRAINAGE AND DRAINAGE WORKS.

1. (*1*) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or minor railway shall be constructed over any municipal drain.

Buildings etc., not to be erected without permission over municipal drains.

(*2*) If any building, wall or other structure be so erected, or any street or minor railway be so constructed, the Commissioner may remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.

2. (*1*) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected over any drain other than a municipal drain except as may be required under sub-rule (3).

Buildings, etc., not to be erected without permission over any drains.

(*2*) If any building, wall or other structure be so erected, the Commissioner, after giving the offending person ten days' notice of his intention, may remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.

(*3*) The Commissioner may by notice in writing require the owner or occupier of any building or land to which access from a public street cannot be provided except by crossing an open municipal drain, channel, ditch or gutter to provide culverts or coverings over the said drain, channel, ditch or gutter of such form, size, and materials and provided with such means of ventilation as may be specified in the said notice.

(*4*) Every culvert or covering provided in accordance with sub-rule (3) shall be maintained and kept free from obstructions by the said owner or occupier at his expense.

3. Except with the written permission of the Commissioner, and in conformity with such conditions as shall be prescribed by the Standing Committee generally in this behalf, no drain shall be so constructed as to pass beneath any part of a building.

Drains not to pass beneath buildings.

4. The Commissioner may, by notice in writing, require the owner of any building in any street to put up and maintain in good condition proper and sufficient troughs and pipes for receiving and carrying the water from the roof and other parts of the building and for discharging the water so that it shall not fall upon any street or damage any street or other property vested in the Corporation.

Provision of troughs and pipes to receive water from roofs of buildings.

Drains of Private Streets and Drainage of Premises.

5. (*a*) The owner of a private street before commencing to construct a drain of such street to connect with a municipal drain shall submit to the Commissioner a plan of the street, bearing the signature of a licensed surveyor in token of its having been made by him or under his supervision, and drawn to such a convenient scale as the Commissioner shall require, and there shall be shown on such plan the position, course and dimensions of the proposed drain, with a section or sections thereof, and such other particulars in relation thereto as the Commissioner shall deem necessary and require, and no such drain shall

Power to connect drains of private street with municipal drains.

be proceeded with without the approval in writing or contrary to the directions of the Commissioner;

(b) the drain of such private street shall, at the expense of the owner of the street, be constructed of such size, material and description, and be branched into the municipal drain in such manner and form of communication in all respects, as the Commissioner shall direct;

(c) the Commissioner may, if he thinks fit, construct such part of such drain and such part of the work necessary for branching the same into the municipal drain as shall be in or under any public street or place vesting in the Corporation and, in such case, the expenses incurred by the Commissioner shall be paid by the owner of the private street.

Drainage of courts, yards and compounds appurtenant to, or giving access to buildings.

6. If any court, yard or compound appurtenant to, or any passage giving access to, a building is not so formed, flagged, asphalted or paved, or is not provided with such works on, above or below its surface as to allow of the satisfactory drainage of its surface or sub-soil to a proper outfall, the Commissioner may by written notice require the owner of the building to execute such works as may in the opinion of the Commissioner be necessary to remove the defect.

Explanation.—This rule shall also apply in relation to any court, yard, compound or passage which is used in common by the occupiers of two or more buildings but is not a public street.

Special provision relating to trade effluent.

7. (1) No trade effluent shall be discharged from any trade premises into a municipal drain otherwise than in accordance with a written notice, hereinafter referred to as "a trade effluent notice" served on the Commissioner by the owner or occupier of the premises, stating—

(a) the nature or composition of the trade effluent;

(b) the maximum quantity of the trade effluent which it is proposed to discharge in any one day; and

(c) the highest rate at which it is proposed to discharge the trade effluent, and no trade effluent shall be discharged in accordance with such a notice until the expiration of a period of two months, or such less time as may be agreed to by the Commissioner, from the day on which the notice is served on the Commissioner hereinafter referred to as "the initial period".

(2) Where a trade effluent notice in respect of any premises is served on the Commissioner, he may, at any time within the initial period, give to the owner or occupier, as the case may be, of those premises a direction that no trade effluent shall be discharged in pursuance of the notice until a specified date after the end of the initial period; and, in so far as the discharge of any trade effluent in accordance with the trade effluent notice requires the consent of the Commissioner in order to be lawful, the Commissioner may give that consent either unconditionally or subject to such conditions as he thinks fit to impose in respect to—

(a) the drain or drains into which any trade effluent may be discharged in pursuance of the trade effluent notice;

(b) the nature or composition of the trade effluent which may be so discharged;

(c) the maximum quantity of any trade effluent which may be so discharged on any one day, either generally or into a particular drain;

(d) the highest rate at which any trade effluent may be discharged in pursuance of the trade effluent notice, either generally or into a particular drain; and

(*e*) any other matter with respect to which by-laws may be made under this Act;

but any such condition as aforesaid shall be of no effect if and so far as it is inconsistent with any by-laws so made which are for the time being in force.

Position of cesspools.

8. No person shall construct a cesspool—

(*a*) beneath any part of any building, or within twenty feet or any lake, tank, reservoir, stream, spring, or well; or

(*b*) upon any site or in any position which has not been approved in writing by the Commissioner.

All drains and cesspools to be properly covered and ventilated.

9. (*1*) Every drain and cesspool, whether belonging to the Corporation or to any other person, shall be provided with proper traps and coverings and with proper means of ventilation.

(*2*) The Commissioner may, by written notice, require the owner of any drain or cesspool not belonging to the Corporation to provide and apply to the said drain or cesspool such trap and covering and such means of ventilation as would be provided and applied if such drain or cesspool belonged to the Corporation.

Excrementitious matter not to be passed into cesspool.

10. No person shall, except with the permission of the Commissioner, pass or cause or permit to be passed any excrementitious matter into any cesspool made or used under the provisions of this Act or into any drain communicating with any such cesspool.

Power of Commissioner to require adequate water-closet and other accommodation to be made.

11. (*1*) Where any premises are without a water-closet, or privy, or urinal or bathing or washing place or if the Commissioner is of opinion that the existing water-closet, or privy, or urinal, or bathing or washing place accommodation available for the persons occupying or employed in any premises is insufficient, inefficient or on any sanitary grounds objectionable, the Commissioner may, by written notice, require the owner of such premises :—

(*a*) to provide such, or such additional, water closet, privy, urinal, or bathing or washing place accommodation as he prescribes;

(*b*) to make such structural or other alterations in the existing water-closet, privy, urinal, or bathing or washing place accommodation as he prescribes; or

(*c*) to substitute water-closet accommodation for any privy accommodation.

(*2*) Any requisition under sub-rule (1) may comprise any detail specified in sub-section (*2*) of section 178.

Power to require privy accommodation to be provided for factories, etc.

Where it appears to the Commissioner that any premises are, or are intended to be, used as a market, school or theatre or other place of public resort, or as a place in which persons exceeding ten in number are employed in any manufacture, trade or business or as workmen or labourers, the Commissioner may, by written notice, require the owner or occupier of the said premises to construct a sufficient number of water-closets or latrines or privies and urinals for the separate use of each sex and to cause the same to be kept in proper order and to be daily cleaned.

Power of Commissioner as to unhealthy privies.

13. Where the Commissioner is of opinion that any privy is likely, by reason of its not being sufficiently detached from any building, to cause injury to the health of any person occupying such building, the Commissioner, with the previous approval of the Standing Committee, may, by written notice, require the owner or occupier of the premises in or on which such privy is situated either :—

(*a*) to so close up such privy as to prevent any person using the same, and to provide in lieu thereof such water-closet or privy accommodation or such urinal accommodation as the Commissioner may prescribe, or

(*b*) to provide between the said privy and any portion of the said building such air-space, open to the sky and situate entirely within the limits of the said premises, as the Commissioner may prescribe.

Provisions as to privies.

14. (*1*) The owner or occupier of any premises on which there is a privy shall—

(*a*) have between such privy and any building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, an air space of at least three feet in width and open to the sky;

(*b*) have such privy shut off by a sufficient roof and wall, or fence, from the view of persons dwelling in the neighbourhood or passing by;

(*c*) unless and except for such period as he shall be permitted by the Commissioner as hereinafter provided to continue any existing door or trap-door, close up and not keep any door or trap-door in such privy opening on to a street:

Provided that—

(*1*) clause (*a*) shall not be deemed to apply to any privy in existence on the appointed day unless—

(i) there is space available on the premises of the owner or occupier for the erection of a new privy conformably to the said clause; and

(ii) the existing privy can be removed and a new one erected as aforesaid without destroying any portion of a permanent building other than the existing privy;

(*2*) the Commissioner may permit the continuance for such period as he may think fit of any existing door or trap-door in a privy opening on to a street if a nuisance is not thereby created.

Provisions as to water-closets.

15. The owner or occupier of any premises on which there is a water-closet shall—

(*a*) have such water-closet divided off from any part of a building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, by such means as the Commissioner shall deem sufficient;

(*b*) have such water-closet in such a position that one of its sides at the least shall be an external wall;

(*c*) have the seat of such water-closet placed against an external wall;

(*d*) cause such water-closet to be provided with such means of constant ventilation as the Commissioner shall deem adequate, by a window or other apurture in one of the walls of such water-closet opening directly into the external air, or by an air-shaft or by some other suitable method or appliance;

(*e*) have such water-closet supplied by a supply-cistern and flushing apparatus and fitted with a soil-pan or receiver and such other appliances of such materials, size and description as the Commissioner shall deem necessary: Provided always that a cistern from which a water-closet is supplied shall not be used, or be connected with another cistern which is used, for supplying water for any other purpose;

(*f*) have flushing cisterns of such materials, size and description supplied with a constant and sufficient supply of water for flushing and cleaning the water-closet as the Commissioner may deem necessary.

16. No person shall build a privy or water-closet in such a position or manner as— Position of privies and water-closets.

(*a*) to be directly over or directly under any room or part of a building other than a privy or water-closet or a bathing place, bath-room or gallery, passage or terrace;

(*b*) to be within a distance of twenty feet from any well or from any spring, tank or stream the water whereof is, or is likely to be, used (whether in a natural or manufactured state) for human consumption or domestic purposes or otherwise render the water of any well, spring, tank or stream liable to pollution.

17. (*1*) No public water-closet, privy or urinal other than a water-closet, privy or urinal erected within railway premises or erected by the Government shall be erected in, or so as to be accessible from, any street without the consent of the Commissioner who may, in giving his consent, impose such terms as to the use of the water-closet, privy or urinal and as to its removal at any time, if required by him, as he thinks fit. Control over water-closets etc. in, or accessible from, streets.

(*2*) The Commissioner may, by written notice require—

(*a*) the owner of a water-closet, privy or urinal which has been erected in contravention of sub-rule (1) or the removal of which the Commissioner is entitled to require, to remove it;

(*b*) the owner of a water closet, privy or urinal which opens on a street and is so placed or constituted as to be a nuisance or offensive to public decency to remove or permanently to close it.

18. No person shall use or permit to be used as a bathing place, or as a place for washing clothes or domestic utensils, any part of any premises which has not been provided with such floor as the Commissioner considers suitable and with all such appliances and fittings as shall, in the opinion of the Commissioner, be necessary for collecting the drainage thereof and conveying the same therefrom. Use of places for bathing or washing clothes or domestic utensils.

19. (*1*) No person other than a licensed plumber shall execute any work described in this Chapter or in Chapter XII of this Act and no person shall permit any such work to be executed except by a licensed plumber: Work to be done by licensed plumber: permission to use as drain.

Provided that if, in the opinion of the Commissioner, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

(*2*) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(*3*) Every such person shall, within one month after completion of any such work and before permitting the same or any portion thereof to be filled in or covered over, deliver or send or cause to be delivered or sent to the Commissioner at his office notice in writing of the completion of such work, accompanied by a certificate in such form as the Commissioner may from time to time prescribe signed by the licensed plumber by whom the same has been executed, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Commissioner all necessary facilities for the inspection of such work:

Provided that—

(*a*) such inspection shall be made within seven days from the date of receipt of the notice of completion, and

(*b*) the Commissioner may, within seven days after such inspection, by written intimation addressed to the person from whom the notice of completion was received and delivered at his address as stated in such notice, or, in the absence of such address, affixed to a conspicuous part of the premises in which such work has been executed—

(i) give permission for the filling in or covering over of such work; or

(ii) require that, before such work is filled in or covered over, it shall be amended to the satisfaction of the Commissioner in any particular respect of which it is not in accord with a requisition previously made by the Commissioner or contravenes some provision of this Act or of the rules or by-laws.

(*4*) No person shall permit any such work to be used as a drain or part of a drain until—

(*a*) the permission referred to in proviso (*b*) to sub-rule (3) has been received; or

(*b*) the Commissioner has failed for fourteen days after receipt of the notice of completion to intimate as aforesaid his refusal of permission for the filling in or covering over of such work.

Manner of erecting shafts or affixing pipes for ventilation of drains or cesspools.

Erection of shafts etc. for ventilation of drains or cesspools.

20. Any shaft or pipe erected or affixed by the Commissioner for the purposes of ventilating any drain or cesspool under section 175 shall—

(*a*) be carried at least fifteen feet higher than any sky-light or window situated within a distance of forty feet therefrom;

(*b*) if the same be affixed to a wall supporting the eave of a roof, be carried at least five feet higher than such eave;

(*c*) be erected or affixed so as to create the least practicable nuisance or inconvenience to the inhabitants of the neighbourhood;

(*d*) be removed by the Commissioner to some other place, if at any time the owner of the premises, building or tree upon or to which the same has been erected or affixed is desirous of effecting any change in his property which either cannot be carried out, or cannot without unreasonable inconvenience be carried out, unless the shaft or pipe is removed.

CHAPTER X.

WATER SUPPLY.

Definitions.

1. In this Chapter, unless there is anything repugnant in the subject or context,—

(*a*) "communication pipe" means a pipe extending from a municipal main up to and including the municipal stop-cock;

(*b*) "consumer" means any person who uses or is supplied with water from a municipal water work or on whose application such water is supplied and includes any person liable to the Corporation under the provisions of this Act for the payment of water tax or any sum for the water supplied from a municipal water work;

(*c*) "consumer's pipe" means a pipe used in connection with the supply of water from any municipal water work and which is not the property of the Corporation;

(*d*) "distributing pipe" means any pipe not subject to water pressure from a municipal water main;

(*e*) "fitting" includes a pipe, coupling, flange, branch, bend, stop, ferrule, stop tap, bib tap, spring tap, pillar tap, globe tap, ball cock, boiler, pump, meter, hydrant and any other apparatus or article used for the purpose of conveying or storing water supplied by the Corporation;

(*f*) "municipal stop cock" means the stop cock which controls the supply of water from a municipal water main;

(*g*) "supply pipe" means the pipe extending from a municipal stop cock up to the ball cock of the storage tank, if any, and any pipe subject to pressure from a municipal water main.

Private water-supply.

Conditions on which private water supply may be provided.

2. (*1*) Subject to the provisions of sub-rules (2), (3), and (4), supply pipes for conveying to any premises a private supply of water from a municipal water work shall not be connected with such water work except on the written application or with the written assent of the owner of the premises, or of the person primarily liable for the payment of property-taxes on the said premises.

(*2*) If it shall appear to the Commissioner that any premises situate within any portion of the City in which a public notice has been given by the Commissioner under clause (*b*) of sub-section (*1*) of section 130, are without a supply of pure water obtainable on the premises and adequate to the requirements of the persons usually occupying or employed upon the said premises, the Commissioner may, by written notice, require the owner of the said premises or the person primarily liable for the payment of property-taxes thereon, to obtain a supply adequate as aforesaid from a municipal water work and to provide supply and distributing pipes, cisterns and fittings and do all such works as may in the opinion of the Commissioner be necessary for that purpose.

(*3*) If the written assent of the owner of any premises or of the person primarily liable for the payment of property taxes referred to in sub-rule (1) is withheld from a tenant of such premises who applies for such assent, such tenant may appeal to the Commissioner who shall, if he is satisfied that the assent has been unreasonably withheld and if the provisions of sub-rule (2) are satisfied, give notice as provided therein.

(*4*) The Commissioner may refuse to grant a connection under this rule in respect of any premises if he is satisfied that the arrangements for draining waste water from such premises are inadequate or that the supply of water through communication pipes is likely to cause such premises to be in an insanitary condition or to create a nuisance, unless such measures as he may direct are carried out for disposing of the waste water or for preventing the creation of insanitary conditions or a nuisance.

Making and renewing connection with municipal waterworks.

3. (*1*) No connection with any municipal water-work shall be made or renewed—

(*a*) except by a municipal officer or servant empowered in that behalf by the Commissioner; and

(*b*) until the certificate specified in sub-rule (4) has been given.

(*2*) In every case where a new connection with a municipal water-work is made or an existing connection is renewed all necessary communication-pipes and fittings thereon shall be supplied by the Commissioner,

and the work of laying and applying such communication-pipes and fittings shall be executed by municipal agency under the Commissioner's orders, but the cost of making or renewing such connection and of all communication-pipes and fittings so supplied and of all work so executed, shall be paid by the person on whose application or for whose premises the connection is made or renewed.

(*3*) Every such new connection or renewed connection with its communication-pipes and fittings shall thereafter vest in the Corporation and be maintained at the charge of the Municipal Fund as a municipal water-work.

(*4*) All supply and distributing pipes and cisterns and fittings not vesting in the Corporation as aforesaid shall be laid and applied under the supervision and to the satisfaction of a municipal officer appointed by the Commissioner in that behalf, who shall give and sign a certificate, free of charge, when such supply and distributing pipes, cisterns and all necessary fittings have been laid, applied and executed in a satisfactory manner and when proper and sufficient arrangements have been made for draining off waste water.

(*5*) Where any supply or distributing pipe, cistern or such fitting is laid, applied, added to or altered, or any connection is made in contravention of this rule the Commissioner may remove such supply or distributing pipe, cistern, fitting or connection, or additions or alterations thereto, and make good such pipe, cistern, fitting or connection; and the owner and occupier of the premises in which or for supply to which such supply or distributing pipe, cistern or fitting has been laid, applied, added to or altered or such connection has been made, shall be jointly and severally liable to pay the expenses incurred by the Commissioner in so doing.

Commissioner may take charge of private connections.

4. (*1*) The Commissioner may, by agreement with a consumer, take charge on behalf of the Corporation of all or any of the consumer's pipes and fittings:

Provided that if any of such pipes or fittings are communication-pipes or fittings only not vesting in the Corporation, the Commissioner may, if he thinks fit, take charge of the same without such agreement.

(*2*) Any consumer's pipes and fittings, of which the Commissioner takes charge under this rule, shall thereafter vest in the Corporation and be maintained at the charge of the Municipal Fund as a municipal water-work.

Power of Commissioner to alter position of connections.

5. The Commissioner may, if at any time he deems it expedient to alter the position of an existing connection with any municipal water-work, or of any consumer's pipe or fitting thereof, and after giving to the owner of such connection, pipe or fitting not less than four days' previous notice of his intention so to do, cause the said connection, pipe or, fitting to be moved to such other position as he thinks fit and relaid and applied or others to be laid and applied in lieu thereof, in such position as he may direct; and in every such case all such work shall be carried out at the expense of the Municipal Fund and such new connection, pipe and fitting shall thereafter vest in the Corporation and be maintained at the charge of the Municipal Fund as a municipal water-work.

6. (*1*) The Commissioner may, whenever it shall appear to him to be necessary, by written notice require the owner of any premises furnished with a private water supply from any municipal water-work to provide such premises, within a reasonable period which shall be prescribed in the said notice, with cisterns and fittings of such size, material, quality and description and placed in such position and with such safe and easy means of access as he thinks fit.

Provisions as to cisterns and other fittings, etc., to be used for connections with water-work.

(*2*) The Commissioner may also in the like manner require the owner of any premises to provide such safe and easy means of access as he thinks fit to any existing cistern which on an examination under rule 11 is found to be not easily accessible.

(*3*) The Commissioner may, whenever it shall appear to him necessary or expedient to remove any cistern from any premises furnished with a private water supply, by written notice require the owner of such premises to remove such cistern with all fittings connected therewith from such premises within a period prescribed in the notice.

(*4*) The Commissioner shall also from time to time prescribe the size, materials, quality, description and position of the pipes and fittings to be employed for the purpose of any connection with, or of any communication from, any municipal water-work and no such connection or communication shall be made by any person otherwise than as so prescribed.

(*5*) The Commissioner shall likewise prescribe the size, material, quality and description of the pipes, cistern and fittings to be employed for the purpose of replacing any pipes, cisterns and fittings found on an examination under rule 11 to be so defective that they cannot be effectively repaired.

(*6*) If any connection or communication other than that prescribed in sub-rule (4) is found in or upon any premises it shall be presumed, until the contrary is proved, that such connection or communication was made by or under the direction of or with the permission of the owner of such premises.

(*7*) The Commissioner may issue orders providing for the stamping by municipal agency of all pipes, taps, cocks, fittings and materials to be employed for the puropses of any connection or communication with any municipal water-work and such orders may provide for the payment of a fee for such stamping and prohibit the use in any of the said connections or communications of any pipes, taps, cocks, fittings or materials other than those so stamped.

7. (*1*) The Commisioner may, by written notice, require the owner of any premises furnished with a cistern or in respect of which the Commissioner has required a cistern to be furnished, to provide such cistern with a lock and key of such pattern, material and quality as the Commissioner shall in such notice prescribe, and may in like manner require any lock or key found to be defective on an inspection under rule 11 to be replaced.

Provision for keeping cisterns locked.

(*2*) Every cistern so provided with a lock shall be kept permanently locked and the key shall then be delivered to the Commissioner.

8. (*1*) It shall be incumbent on the owner or occupier of any premises to which a private water-supply is furnished from any municipal water-work, to keep in a thoroughly clean condition and to maintain and keep

Communication pipes to be kept in efficient repair by owner or occupier of premises.

in efficient repair every supply and distributing pipe conveying water from the said water-work to such premises and every meter for measuring water, not being a municipal meter, and every cistern and fitting in or connected with any such pipe, so as effectually to prevent the water from running to waste.

(2) When an occupier of any premises is served with a notice under sub-rule (2) of rule 11 he may, after giving to the person to whom he is responsible for the payment of his rent three days' notice in writing, himself have the repairs executed and in such event he shall, unless the terms of the tenancy otherwise expressly provide, be entitled to deduct from any rent due or to become due by him to such person the actual expenses incurred by him in complying with the notice served under sub-rule (2) of rule 11.

Provision of meters when water is supplied by measurement.

9. (*1*) Where water is supplied by measurement, the Commissioner may either provide a meter and charge the consumer for the same such rent as shall from time to time be prescribed in this behalf by the Standing Committee or may permit the consumer to provide a meter of his own of such size, material and description as the Commissioner shall approve for this purpose.

(*2*) The Commissioner shall at all times keep all meters and other instruments for measuring water, let by him for hire to any person, in proper order for correctly registering the supply of water, and in default of his so doing such person shall not be liable to pay rent for the same during such time as such default continues.

(*3*) (*a*) Any consumer to whom a meter is let out on hire under sub-rule (1) may apply in writing to the Commissioner at any time to have the meter tested and every such application shall be accompanied by such fee as the Commissioner may from time to time prescribe.

(*b*) Upon receipt of such application and fee the Commissioner shall forthwith issue a notice to the consumer prescribing the time and place for testing such meter and shall cause such meter to be tested at such time and place.

(*c*) If upon such test such meter is found to be incorrect by more than two per cent. the fee paid by the consumer shall be repaid to him and the Commissioner shall cause steps to be taken forthwith for the repair or replacement of the meter.

Register of meter to be evidence.

10. Where water is supplied by measurement, the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity consumed.

Inspection.

Commissioner etc., may inspect premises in order to examine meter, communication pipes, etc.

11. (*1*) The Commissioner may make an inspection of any premises to which a private water supply is furnished by the Corporation, in order—

(*a*) to remove, test, examine and replace any meter for measuring water ;

(*b*) to examine any supply or distributing pipe, cistern, lock or fitting ; or

(*c*) to see if there be any waste or misuse of water.

(2) The Commissioner may by written notice, require the owner or occupier of the premises to remedy any defect which shall be found to exist in or to clean any such meter, not being a municipal meter let to him for hire, or any such supply or distributing pipe, cistern, lock or fitting.

Cutting off private water-supply.

Power to cut off private water-supply or to turn off water.

12. (1) The Commissioner may cut off the connection between any municipal water-work and any premises to which a private water-supply is furnished by the Corporation or turn off the water from such premises in any of the following cases, namely :—

(a) in default of payment of any instalment of water-tax or of any sum due for water or hire of meter or expenses of any work done under or by virtue of the provisions of rule 3, 9 or 17 within one month after a notice of demand for such tax or sum has been duly served ;

(b) if the owner of the premises neglects within the period prescribed in this behalf in any notice given under sub-rule (1), (2) or (3) of rule 6 or under rule 7, to comply with any requisition made to him by the Commissioner regarding the provision of any cistern, fitting, lock or key or any means of access to such cistern or the removal of any cistern ;

(c) if the owner or occupier of the premises fails, within the period prescribed in this behalf in any notice given under sub-rule (2) of rule 11, to comply with the terms of such notice or fails to use articles of the kind prescribed under sub-rule (5) of rule 6 ;

(d) if after receipt of a written notice from the Commissioner requiring him to refrain from so doing, the owner or occupier of the premises continues :—

(i) to use the water, or to permit the same to be used, in contravention of any by-law or of any condition prescribed under sub-section (2) of section 134 or under any other provision of this Act ;

(ii) when payment for the water is made not by measurement to permit any person not residing on premises in respect of which water-tax is paid or payment for the water supplied is made according to the size of the connection to carry away from such owner's or occupier's premises water derived from the municipal water-work ;

(e) if the owner or occupier of the premises wilfully or negligently injures or damages any meter, pipe, cistern or fitting or lock thereof in such premises ;

(f) if the owner or occupier of the premises fails to comply with any requisition made on him by the Commissioner under sub-rule (2) of rule 18 to furnish the name of the licensed plumber ;

(g) if the premises are declared to be unfit for human habitation under the provisions of this Act ;

(h) if excessive waste of water is taking place within any premises on account of damage to water-mains caused by accident or otherwise ;

(i) if any communication pipes or fittings have been laid, applied, added to or altered in contravention of the provisions of rule 6 ;

Provided that—

(i) in any case under clause (*a*) the Commissioner shall not take action unless not less than one month previously a copy of the notice of demand in respect of the tax or sum has been affixed to a conspicuous part of the premises;

(ii) in any case falling under clause (*b*), the Commissioner shall not take action unless not less than fifteen days previously a copy of the notice under sub-rule (1), (2) or (3) of rule 6, or under rule 7, as the case may be, has been affixed to a conspicuous part of the premises;

(iii) in other cases the Commissioner shall not take action unless written notice of not less than twenty-four hours has been given to the owner or occupier of the premises.

(*2*) The expense of cutting off the connection or of turning off the water in any such case as aforesaid shall be paid by the owner or occupier of the premises.

(*3*) If in any case under clause (*a*) of sub-rule (1) the tax or sum due is paid within the period stipulated therein by any person or persons in occupation of the premises other than the persons primarily liable for the same, such person or persons shall be entitled to credit therefor in account with the person primarily liable and shall be entitled, without prejudice to any other remedy for recovery, to deduct the amount paid from any rent payable to the person primarily liable.

Prohibition of fraud in respect of meters.

13 (*1*) No person shall fraudulently—

(*a*) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied;

(*b*) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

(*2*) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, abstraction or use shall be evidence that the consumer has fraudulently affected the same.

General Provisions.

Prohibition of wilful or neglectful acts relating to water works.

14. No person shall wilfully or negligently—

(*a*) injure or suffer to be injured any meter belonging to the Corporation or any of the fittings of any such meter;

(*b*) break, injure or open any lock, seal, cock, valve, pipe, work, engine, cistern or fitting appertaining to any municipal water-work;

(*c*) flush or draw off the water from any such water-work, thereby causing such water to be wasted;

(*d*) do any act or suffer any act to be done whereby the water in, or derived from, any municipal water-work shall be wasted;

(*e*) obstruct, divert or in any way injure or alter any water-main or duct;

(*f*) except with the permission of the Commissioner, open, break, injure or tamper with any lock furnished under the provisions of this Act;

(*g*) foul or pollute or otherwise render unfit for human consumption the water contained in any municipal water work.

Compensation to be payable by offenders against rule 13 or 14.

15. Compensation shall be paid by the offender for any damage which the Corporation sustains by reason of any contravention of rule 13 or rule 14.

16. If it shall be shown that an offence against some provision of this Act or against some rule or by-law relating to water-supply has occurred on any premises to which a private supply of water is furnished by the Corporation, the owner, the person primarily liable for the payment of water tax and the occupier of the said premises shall be jointly and severally liable for the same. **What persons to be liable for offences under certain provisions of this Act.**

17. (*1*) The Commissioner may, if he thinks fit, cause any work described in this Chapter to be executed or any cistern to be supplied with a lock and key by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed or supplied the option of doing or supplying the same. **Commissioner may execute works under this Chapter without allowing option to persons concerned of executing the same.**

(*2*) The expenses of any work so done or of supplying such lock and key shall be paid by the person aforesaid, unless the Corporation shall, by a general or special order or resolution, sanction, as it is hereby empowered to sanction, the execution of such work or the supply of such lock and key at the charge of the Municipal Fund.

18. (*1*) No person other than a licensed plumber shall execute any work described in this Chapter, other than the provision of a lock and key and no person shall permit any such work to be executed except by a licensed plumber. **Work under this Chapter to be done by licensed plumber.**

(*2*) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(*3*) Where any person causes or permits any pipe, cistern or fitting or other work necessary for conveying a private supply of water from a municipal water work into any premises to be laid, applied or executed in contravention of sub-rule (1), he shall, in addition to being liable to the penalty prescribed for such contravention, not be entitled to an independent or branch connection until the defects, if any, in such pipe, cistern, fitting or work are removed to the satisfaction of the Commissioner.

CHAPTER XI.

STREETS.

I. *Sky signs.*

1. (*1*) For the purposes of section 244 the expression "sky-sign" means any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or direction, supported on or attached to any post, pole, standard frame-work or other support, wholly or in part upon or over any land, building or structure which, or any part of which sky-sign, shall be visible against the sky from some point in any street and includes all and every part of any such post, pole, standard framework or other support. It shall also include any balloon, parachute, or other similar device employed wholly or in part for the purposes of any advertisement, announcement or direction upon or over any land, building or structure or upon or over any street. **Interpretation of sky sign.**

(*2*) A sky-sign shall not include—

(*a*) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purpose of any advertisement, announcement or direction;

(*b*) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof:

Provided that such board, frame or other contrivance be of one continuous face and not open work, and do not extend in height more than three feet above any part of the wall, or parapet or ridge to, against, or on which it is fixed or supported;

(*c*) any word, letter, model, sign, device, or representation as aforesaid, relating exclusively to the business of a railway administration, and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway administration and so placed that it cannot fall into any street or public place;

(*d*) any notice of land or buildings to be sold, or let, placed upon such land or buildings.

II. *Naming or Numbering of Streets and Numbering of Houses.*

Naming or numbering of streets, and numbering of houses.

2. (*1*) The Commissioner may, from time to time—

(*a*) with the sanction of the Corporation, determine the name or number by which any street or any public place vested in the Corporation shall be known;

(*b*) cause to be put up or painted on a conspicuous part of any house at or near each end, corner or entrance to such street and at intervals along such street or on some convenient part of such street, the name or number of such street as so determined;

(*c*) cause to be put up or painted suitable signs or boards indicating the name of any public place vested in the Corporation;

(*d*) determine the number or sub-number by which any premises or part of such premises shall be known;

(*e*) by written notice require the owner of any premises or part of such premises, either to put up or paint the number or sub-number of such premises or part of such premises in such position and manner as may be specified in such notice, or to signify in writing his desire that the work shall be executed under the orders of the Commissioner.

Explanation.—The provisions of this sub-rule shall apply to the renewal of the name or number of any street or public place or the number or sub-number of any premises, or part thereof, or the obliteration or defacement of such name or number as it applies to the putting up or painting of such name or number for the first time.

(*2*) (*a*) No person shall, without the written permission of the Commissioner or without other lawful authority, destroy, remove, deface or in any way injure or alter any such name or number or sub-number or put up or paint any name or number or sub-number different from that put up or painted by order of the Commissioner.

(*b*) No person shall without the written permission of the Commissioner put up or affix any notice or board or advertisement within twelve inches of any name or number of a street or of a number or of a sub-number of any premises or part thereof, and the Commissioner may cause any such notice, board or advertisement which is affixed or put up without his permission to be removed and the expenses thereof shall be payable by such person.

(*3*) Where a number or sub-number is put up or painted on any premises or part thereof under the orders of the Commissioner in accordance with paragraph (*e*) of sub-rule (1), the expenses of such work shall be payable by the owner of the premises at such rate as the Commissioner may from time to time fix.

III. *Provisions concerning Private Streets.*

3. For the purposes of section 218 the Commissioner may call for from the person giving notice under section 217 all or any of the following documents :— Information which may be called for from persons giving notice under section 217.

(i) correct plans and sections in duplicate of the proposed private street, which shall be drawn to a horizontal scale of not less than one and a half inches to ten feet and shall show thereon the level of the present surface of the ground above some known fixed datum near the same, the level and rate of inclination of the intended new street, the level and inclination of the streets with which it is intended to be connected, and the proportions of the width which are proposed to be laid out as carriage-way and foot-way respectively;

(ii) a specification with detailed description of the materials to be employed in the construction of the said street and its footpaths;

(iii) a plan showing the intended lines of drainage of such street and of the buildings proposed to be erected and the intended size, depth, and inclination of each drain, and the details of the arrangement proposed for the ventilation of the drains;

(iv) a plan showing each building plot with its dimensions and area and showing open spaces with their dimensions;

(v) a scheme accompanied by plans and sections for the laying out into streets, plots and open spaces of the other land of such persons or of so much of such other land as the Commissioner shall consider necessary.

CHAPTER XII.

Buildings Regulations and Building Loans.

1. (1) If the notice given and the documents furnished under section 253 or section 254 do not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, the Commissioner may, at any time within thirty days after receipt of the said documents, by written notice, require the production of such further particulars and details as he deems necessary. Additional information and the attendance of the person who gave the notice may be required.

(2) At any time within the said period the Commissioner may also by written notice require the person who has given the notice to open for inspection any portion or portions of the intended foundations or any portion of the intended foundations or walls of an existing building.

Forms of Notices.

2. (1) The Commissioner shall cause printed forms of notices for the purpose of section 253 or 254 to be delivered to any person requiring the same on payment of such fee for each form as shall from time to time be prescribed in this behalf by the Commissioner with the approval of the Standing Committee. Printed forms of notices to be supplied to the public.

3. If within thirty days after receipt of any notice under section 253 or 254, or further information, if any, called for under rule 1, the Commissioner does not issue an order under sub-rule (1) or sub-rule (2) of rule 5 or fails to intimate in writing to the person who has given the said notice his disapproval of the building which the said person proposes to erect, or of the work which he proposes to execute; When building or work may be proceeded with.

or if, within the said period, the Commissioner signifies in writing to the said person his approval of the said building or work;

the said person may, subject to the provisions of sub-rules (3) and (4) of rule 5, at any time within one year from the date of the delivery of the notice to the Commissioner, proceed with the said building or work in accordance with his intention as described in the notice or in any of the documents aforesaid, but not so as to contravene any of the provisions of this Act or any rule or by-law.

Building or work which is disapproved by the Commissioner may be proceeded with subject to terms or shall not be proceeded with.

4. (*1*) If the Commissioner disapproves of any building or work of which notice has been given as aforesaid or of any portion or detail thereof, by reason that the same will contravene some provision of this Act or some rule or by-law or will be unsafe, he shall within thirty days of the receipt of the notice or of the plan, section, description or further information, if any, called for under rule 1 by a written notice intimate to the person who gave the notice first hereinbefore in this rule mentioned, his said disapproval and the reason for the same and prescribe terms subject to which the building or work may be proceeded with, or intimate that the work shall not be proceeded with.

(*2*) The person who gave the notice concerning any such building or work may proceed with the same, if expressly permitted to do so, subject to the terms prescribed as aforesaid but not otherwise, at any time within one year from the date of receipt by him under sub-rule (1) of the written notice containing express permission to do so in this behalf, but not so as to contravene any of the provisions of this Act or any rule or by-law.

Power to the Commissioner to withhold disposal of plans in certain circumstances.

5. (*1*) Notwithstanding anything contained in rules 3 and 4, if in any case it appears to the Commissioner that public improvements, which may render necessary the acquisition of the site of any building or work or any part of such site, are desirable and expedient, he may by order in writing direct that no further action should be taken in pursuance of a notice given under section 253 or section 254 for a period not exceeding three months from the date of such notice.

(*2*) The Commissioner may issue a like order if in any case it appears to him that any site as aforesaid is likely to be affected by any one of the following, namely :—

(*a*) prescribing a regular line of a public street;

(*b*) prescribing a fresh line in substitution of the existing regular line of a public street;

(*c*) extending or altering a public street;

(*d*) any scheme for widening or modifying a private street.

(*3*) If, within the said period of three months, the public improvements referred to in sub-rule (1) or any of the matters referred to in sub-rule (2) have been given final effect so as to have the result referred to in sub-rule (1) or sub-rule (2), the notice given under section 253 or section 254 shall be deemed to have lapsed.

(*4*) In any case not covered by sub-rule (3), the notice given under section 253 or section 254 shall be deemed to have been renewed as on the date on which the period of three months mentioned in sub-rule (1) expired.

When work may be commenced.

6. (*1*) No person shall commence to erect a new building or to execute any such work as is described in section 254—

(*a*) until he has given notice of his intention, as hereinbefore required, to erect such a building or execute such work and the Commissioner has either intimated his approval of such building or work or failed to intimate his disapproval thereof within the period prescribed in this behalf in rule 3 or 4 :

Provided that the provisions of rule 5 shall be taken into account in computing such period;

(*b*) until he has given notice to the City Engineer of the proposed date of commencement:

Provided that if the commencement does not take place within seven clear days of the date so notified, the notice shall be deemed not to have been given;

(*c*) until he has made such sanitary arrangements as the Commissioner may require for the workmen employed on the work;

(*d*) after the expiry of the period of one year prescribed in rules 3 and 4 respectively for proceeding with the same, or after the expiry of the period of one year from the date of the suspension or stoppage of such work when it is once commenced.

(2) If the person who is entitled under rule 3 or 4 to proceed with any building or work, fails so to do within the period of one year prescribed in the said rules, respectively, for proceeding with the same, he may at any subsequent time give fresh notice of his intention to erect such building or execute such work; and thereupon the provisions hereinbefore contained shall apply as if such fresh notice were a first notice of such person's intention.

Provisions as to structure, materials, etc.

Provisions as to buildings which are to be newly erected.

7. With respect to buildings which are to be newly erected the following provisions in addition to the provisions of the by-laws for the time being in force shall have effect, namely:—

(*a*) the erection of any such building on either side of a new street may be disapproved by the Commissioner, unless and until such new street has been levelled, metalled or paved, sewered and drained to the satisfaction of the Commissioner;

(*b*) the erection of any such building in any part of the City in which the position and the direction of the streets likely to be required in future have not yet been laid down or determined or in which it is deemed expedient to lay out a public street under section 205, shall, with the assent of the Standing Committee, be disapproved by the Commissioner, unless the site proposed for such building is, in the opinion of the Commissioner, such as, with reference to the positions occupied by the buildings, if any, already existing in the neighbourhood, will admit of the construction in the future of one or more new streets convenient for the occupiers of all the buildings in the neighbourhood and for the purposes of drainage, water-supply and ventilation:

Provided that any person whose building is so disapproved may, by written notice to the Commissioner, require that the position and direction of the future street or of the proposed public street under section 205 in the vicinity of his intended building be forthwith laid down and determined and if such requisition be not complied with within six months from the date thereof, may, subject to all other provisions of this Act and the rules applicable thereto, proceed with the erection of the building;

(*c*) the erection of any such building in any part of the City may be disapproved by the Commissioner if such building or any portion thereof comes within the line of any street the position and direction of which has been laid down by the Commissioner, with the approval of the Standing Committee, but which has not been actually constructed, or within the

regular line of a new public street or of the extension of an existing public street which the Commissioner has been authorised to lay out under section 205;

(*d*) the foundation of any such building shall not be constructed on any site which has been filled up with, or has been used as a place for depositing, excrementitious matter or the carcasses of dead animals or other filthy or offensive matter, until such matter shall have been properly removed or rendered innocuous to the satisfaction of the Commissioner;

(*e*) the subsoil of the site of a building shall, whenever the dampness or position of the site renders the precaution necessary, be effectually drained and the Commissioner may require such measures to be taken as will effectually protect the building from damp arising from the sub-soil.

Provision of sufficient means of egress.

8. (*1*) Where the Commissioner is of opinion that the means of egress from any building are insufficient to allow of safe exit in the event of fire, or are by any cause rendered inadequate he may, by written notice, require the owner or occupier of the building to alter or reconstruct any existing staircase, lobby, passage, or landing in such manner and with such materials or to provide such additional or emergency staircase or exits as he may prescribe.

(*2*) Every staircase, landing or common passage of every building on each floor shall be kept free from obstruction, and no person shall permit any article to remain in any staircase, landing or common passage of any building in such a manner as may impede the passage of persons into, through and out of the said building.

(*3*) The existence of any article in any such staircase, landing or a common passage in any building shall be *prima facie* evidence that it was placed or permitted to remain therein by the owner or occupier of the building.

Inspection and occupation of buildings after completion.

Inspection and occupation of buildings after completion.

9. For the purposes of section 263—

(*a*) inspection shall be commenced within seven days from the date of receipt of the notice of completion, and

(*b*) the Commissioner may, within seven days from the date of commencement of such inspection, by written intimation addressed to the person from whom the notice of completion was received, and delivered at his address as stated in such notice, or in the absence of such address, affixed to a conspicuous part of the building to which such notice relates:—

(i) give permission for the occupation of such building or for the use of the building or part thereof affected by such work, or

(ii) refuse such permission in case such building has been erected or such work executed so as to contravene any provisions of this Act or of the rules or by-laws, or

(iii) refuse such permission until a private street or other means of access to such building fixed and determined under section 220 has been properly constructed and approved by the Commissioner;

(iv) refuse such permission unless the site of the building, or adjacent sites, as the case may be, are properly cleansed by the removal of all surplus building materials, debris, earth, rubbish and the tools used for building purposes.

10. No person shall, without the written permission of the Commissioner or otherwise than in conformity with the terms of such permission— **Building not to be converted to other purposes without permission of Commissioner.**

(*a*) use or permit to be used for human habitation any part of a building not originally constructed or authorised to be used for that purpose ;

(*b*) convert into, or use, or permit to be used, as a chawl or building intended to form a range of separate rooms for lodgers, a building not originally designed or authorised to be so used ;

(*c*) use or permit to be used any building or part of a building originally constructed or authorised to be used for human habitation as a godown, warehouse, workshop, factory, stable, motor-garage, shop, stall, market or bazaar ;

(*d*) make any alteration or cause any alteration to be made in an existing building originally constructed or authorised to be used for human habitation for the purposes of using it or causing it to be used as a godown, warehouse, workshop, workplace, factory, stable, motor-garage, shop, stall, market or bazaar ;

(*e*) use or permit to be used as a godown, warehouse, workshop, workplace, factory, stable, motor-garage, shop, stall, market or bazaar any building or part of a building not originally constructed or authorised to be used for any such purpose respectively.

Explanation.—" Chawl " shall mean a building consisting of two or more tenements having common sanitary and other amenities. If any question arises whether any building is a chawl, the decision of the Commissioner shall be final.

11. No person shall make any alteration whatsoever in an existing building if the result of such alteration is that the requirements of this Act or of the rules or by-laws are contravened, notwithstanding that such alteration in itself does not require the permission or sanction of any authority under this Act. **Alteration in buildings causing infringement of any rule or by-law not to be carried out.**

12. (*1*) No external wall and no covering of a roof built or renewed since the appointed day shall, except with the written permission of the Commissioner, consist of wood, cloth, canvas, grass, leaves, mats or any other inflammable material. **Roofs and external walls of buildings not to be of inflammable materials.**

(*2*) If any external wall or covering of a roof is or has been, before the appointed day constructed of any such material, the Commissioner may, by written notice, require the owner or occupier of the building to which such wall or roof appertains to remove such wall or covering.

(*3*) Where permission is given under sub-rule (1) or where any wall or roof is not required to be removed under sub-rule (2) the Commissioner may by order in writing require such precautions to be taken as he may specify against danger from fire.

13. Where any staircase, passage or private court of or in a building divided into two or more separate tenements or the spaces near or leading to latrines or urinals or washing places therein are without any means of lighting at night time and of extinguishing such light or if the Commissioner is of opinion that the existing means of lighting a staircase, passage or private court of or in any such building or the spaces near or leading to latrines or urinals or washing places therein available for the persons occupying or employed in such building or the means of extinguishing any such light are insufficient the Commissioner may, by written notice, require the owner of such building— **Staircases, etc., to be lighted at night.**

(*a*) to provide, fit up and maintain such or such additional means of lighting the staircase, passage or private court or the spaces near

or leading to latrines or urinals or washing places as he may prescribe and keep them lighted until such time as he may specify in the notice;

(b) to provide the necessary lamps, brackets and the necessary supply of gas, electricity or any other means of lighting and all means of extinguishing any lights, which he is required to provide;

(c) to substitute for any existing means of lighting and extinguishing lights such other means of lighting or extinguishing lights, as he may prescribe.

Inspection of buildings by day or by night.

14. Any municipal officer or servant authorised by the Commissioner in this behalf may at any time between sunrise and sunset or up to 10 p.m. by night without notice enter any building for the purpose of ascertaining whether there is any contravention of the terms of any notice given under rule 13.

Building Loans.

Power of Commissioner to make advances for the purposes of increasing housing accommodation.

15. (1) Subject to the provisions of this Act, the Commissioner may, with the previous sanction of the Standing Committee, advance loans to persons or bodies of persons—

(a) constructing or altering or undertaking to construct or alter buildings intended for the poorer sections of the community,

(b) carrying out or undertaking to carry out repairs to such buildings in cases where the Commissioner considers that, having regard to the cost of those repairs or the financial position of the applicant, it is reasonable to give such assistance.

(2) Persons or bodies of persons desiring assistance by way of such advances may make an application to the Commissioner in such form as may be prescribed for a loan to be advanced by way of a mortgage on the security of the building to be so constructed, altered or repaired, and the Commissioner may after making such inquiry as he thinks necessary, and subject to the conditions mentioned in sub-rule (3) and such other conditions as the Corporation may prescribe advance such loan.

(3) Every such loan shall be subject to the following among other conditions:—

(a) that the building in respect of which the loan is to be advanced will when the construction, alteration or repair has been completed be in all respects fit for human habitation and shall be used wholly or mainly for residential purposes;

(b) that the period within which the loan shall be repayable shall not exceed thirty years from the date of the completion of the construction, alteration or repair of the building;

(c) that the amount of the loan shall not exceed sixty per cent. of the cost of the construction, alteration or repair of the building (including outhouses and other works, if any, connected therewith) irrespective of the period of repayment;

(d) that the aggregate amount of the loan shall not exceed ten thousand rupees in the case of any one person or body of persons;

(e) that the amount of the loan with interest thereon shall be secured by a mortgage of the building (including outhouses and

other works, if any, connected therewith) together with the site on which they are erected in favour of the Corporation containing such covenants and conditions as may be prescribed;

(*f*) that, where the property intended to be mortgaged includes a leasehold interest, no loan shall be made unless that interest is a term of years absolute whereof a period of not less than ten years in excess of the period for repayment of the loan remains unexpired at the date of the loan.

CHAPTER XIII.

POWERS OF FIRE-BRIGADE OFFICERS.

Powers of fire-brigade officers at a fire.

On the occasion of a fire the Chief or any other officer in charge of the fire-brigade may do all or any of the following acts:—

(*a*) remove, or order any fireman or other officer or person under his command to remove any persons who interfere by their presence with the operations of the fire-brigade;

(*b*) take generally any measures that appear expedient for the protection of life and property, with power, by himself or by the persons under his command, to break into or through or take possession of, or pull down any premises for the purpose of putting an end to or limiting the spread of such fire, doing as little damage as possible;

(*c*) cause the water to be shut off from the mains and pipes of any area in order to give a greater supply and pressure of water in the area in which the fire has occurred and utilize the water of any stream, tank, cistern, well or tank available for the purpose of extinguishing or limiting the spread of such fire;

(*d*) close any street or passage in or near the site of the fire;

(*e*) give orders for the rendering of such assistance as he may deem advisable by the person in charge of any fire-engine;

(*f*) use any premises for the passage of any hose or other appliance;

(*g*) take generally any measures that may appear necessary or expedient for the protection of life or property.

CHAPTER XIV.

SANITARY PROVISIONS.

Scavenging and Cleansing.

Duty of owners and occupiers to collect and deposit dust, etc.

1. (*1*) It shall be incumbent on the owners and occupiers of all premises to cause all dust, ashes, refuse, rubbish and trade refuse to be collected from their respective premises and to be deposited at such times in such manner and with such precautions as the Commissioner, by public notice, from time to time determines in the public receptacle, depot or place provided or appointed under section 292 for the temporary deposit or final disposal thereof:

Provided that the Commissioner may, if he thinks fit, by written notice require the occupier and owner of any premises or either of them to cause all dust, ashes, refuse and rubbish, but not trade refuse, to be collected daily, or

otherwise periodically from the said premises and deposited temporarily upon any place forming the part of the said premises which the Commissioner appoints in this behalf, and it shall be incumbent on the said occupier and owner or either of them to cause the said matters to be collected and deposited accordingly.

(*2*) It shall be incumbent on the owners of all premises to provide receptacles of a size and material to be prescribed by the Commissioner in such number and retained in such positions as the Commissioner may from time to time by written notice direct for the collection therein of all dust, ashes, refuse, rubbish and trade refuse to be collected from such premises and to keep such receptacles at all times in good repair and condition.

(*3*) It shall also be incumbent on the owners and occupiers or either of them of all premises, when required by the Commissioner by written notice so to do, to employ servants for the purpose of carrying out and complying with the requirements of sub-rule (1).

Collection and removal of excrementitious and polluted matter when to be provided for by occupiers.

2. It shall be incumbent on the occupier of any premises situate in any portion of the city for which the Commissioner has not given a public notice under clause (*a*) of sub-section (*1*) of section 131 and in which there is not a water-closet or privy connected with a municipal drain, to cause all excrementitious and polluted matter accumulating upon his premises to be collected and to be conveyed to the nearest receptacle or depot provided for this purpose, under clause (*d*) of section 292, at such times, in such vehicle or vessel, by such route and with such precautions, as the Commissioner by public notice from time to time specifies.

Prohibition of failure to remove refuse, etc., when bound to do so.

3. No person—

(*a*) who is bound under rule 1 or rule 2, to cause the removal of dust, ashes, refuse, rubbish and trade refuse or of excrementitious or polluted matter, shall allow the same to accumulate on his premises for more than twenty-four hours or shall keep the same otherwise than in a proper receptacle or neglect to cause the same to be removed to the depot, receptacle or place provided or appointed for the purpose;

(*b*) shall remove any dust, ashes, refuse, rubbish or trade refuse or any excrementitious or polluted matter, otherwise than in conformity with the requirements of any public or written notice for the time being in force under rule 1 or use for the removal of any excrementitious or polluted matter any vehicle or vessel not having a covering proper for preventing the escape of any portion of the contents thereof or of the stench therefrom;

(*c*) shall, whilst engaged in the removal of any dust, ashes, refuse, rubbish or trade refuse, or of any excrementitious or polluted matter, fail forthwith thoroughly to sweep and cleanse the spot in any street upon which, during removal, any portion thereof may fall and entirely to remove the sweepings;

(*d*) shall place or set down in any street any vehicle or vessel for the removal of excrementitious or polluted matter, or suffer the same to remain in any street for any greater length of time than is reasonably necessary;

(*e*) shall throw or place any dust, ashes, refuse, rubbish or trade refuse or any excrementitious or polluted matter, on any street, or in any place not provided or appointed for this purpose under section 292 or rule 1;

(*f*) who is the owner or occupier of any building or land, shall allow any filthy matter to flow, soak or be thrown therefrom, or keep or suffer to be kept therein or thereupon, anything so as to be a nuisance to any person, or

negligently suffer any privy-receptacle or other receptacle or place for the deposit of filthy matter or rubbish on his premises to be in such a state as to be offensive or injurious to health.

Presumption as to offender under clause (c) of rule 3.

4. If it shall in any case be shown that dust, ashes, refuse, rubbish or trade refuse or any excrementitious or polluted matter, has or have been thrown or placed on any street or place, in contravention of clause (c) of rule 3 from some building or land, it shall be presumed, until the contrary is proved, that the said offence has been committed by the occupier of the said building or land.

Removal of rubbish and filth accumulating in large quantities on premises.

5. (1) If any person who is bound under rule 1 to cause the collection and deposit of dust, ashes, refuse, rubbish and trade-refuse or under rule 2 to cause the collection and removal of excrementitious and polluted matter shall allow the same to accumulate on his premises for more than twenty-four hours or shall keep the same otherwise than in a proper receptacle or shall neglect to cause the same to be removed to the receptacle, depot, or place provided or appointed for the purpose, the Commissioner, may, in addition to the institution of any proceedings provided for in this Act, by written notice require such person to collect forthwith all such dust, ashes, refuse, rubbish and trade refuse or excrementitious or polluted matter accumulated thereon and remove the same forthwith in the manner and to the place provided by or under this Act.

(2) If such person shall fail to comply with the notice given under sub-rule (1), the Commissioner may cause the dust, ashes, refuse, rubbish, and trade refuse or excrementitious or polluted matter, accumulated in such premises to be removed and such charge as the Commissioner may, with the sanction of the Standing Committee, fix, shall be paid by such person towards the cost of removal.

Contract with owner or occupier for removal of rubbish or filth.

6. The Commissioner may contract with the owner or occupier of any premises to remove rubbish or filth from such premises on such terms as to time and period of removal and other matters as may seem suitable to the Commissioner, and on payment of fees at such rate as the Corporation may determine.

Inspection and Sanitary Regulation of Premises.

Removal of building materials from any premises may be required.

7. If it shall appear to the Commissioner that any tiles, stones, rafters, building materials, or debris of building materials are stored or collected in or upon any premises without the written permission of the Commissioner in such quantity or bulk or in such a way as to constitute a harbourage or breeding place for rats or other vermin or otherwise a source of danger or nuisance to the occupiers of the said premises or to persons residing in the neighbourhood thereof, the Commissioner may, by written notice, require the owner of such premises, or the owner of the materials or debris so stored or collected therein, to remove or dispose of the same or to take such order with the same, as shall in the opinion of the Commissioner be necessary or expedient to abate the nuisance or prevent a recurrence thereof.

Measures against rats, etc., may be required in respect of premises used for storage of goods.

8. Where it appears to the Commissioner that any building or part thereof used for the storage of goods is used in such manner as to afford harbourage to rats, mice or other animals susceptible to plague or other vermin, he may require the owner or occupier by written notice to take such steps for the destruction of the rats, mice or other animals or other vermin as are specified in the notice or to carry out such works as will render the walls and floors of such building or part of a building proof against such infestation.

Abandoned or unoccupied premises.

9. If any premises, by reason of abandonment or disputed ownership or any other reason, remain untenanted or unoccupied and thereby become a resort of disorderly persons or, in the opinion of the Commissioner, a nuisance, the Commissioner, after such inquiry as he deems necessary, may give written notice to the owner of such premises, if he be known and resident within the City, or to any person who is known or believed to claim to be the owner, if such person is resident within the City, and shall also affix a copy of the said notice on some conspicuous part of the said premises, requiring all persons having any right of property or interest therein to take such order with the said premises as shall in the opinion of the Commissioner be necessary to prevent the same from being resorted to as aforesaid or from continuing to be a nuisance.

Neglected premises or private streets.

10. (*1*) If it shall appear to the Commissioner that any premises are overgrown with rank and noisome vegetation or trees or undergrowth injurious to health or offensive to neighbouring inhabitants or are otherwise in an unwholesome or filthy condition or, by reason of their not being properly enclosed, are resorted to by the public for purposes of nature, or are otherwise a nuisance to the neighbouring inhabitants, the Commissioner may, by written notice, require the owner or occupier of such premises to cleanse, clear or enclose the same, or, with the approval of the Standing Committee, may require him to take such other order with the same as the Commissioner thinks necessary.

(*2*) If it shall appear to the Commissioner that any private street is overgrown with rank and noisome vegetation or is otherwise in an unwholesome or filthy condition, the Commissioner may by written notice require the owners of the several premises fronting or adjoining the said street or abutting thereon to cleanse or clear the same, or with the approval of the Standing Committee require them to take such other order with the same as the Commissioner may think necessary:

Provided that nothing herein contained shall affect the provisions of section 290.

(*3*) In so far as the unwholesome or filthy condition of such premises or such street or such nuisance as above mentioned is caused by the discharge from or by any defect in the municipal drains or appliances connected therewith, it shall be incumbent on the Commissioner to cleanse such premises or such street.

Nuisance arising from defective roof or from dampness rising through ground floor surface or through walls.

11. (*1*) If it shall appear to the Commissioner that any building or any part of a building is in such a state as to constitute a nuisance or to be likely to give rise to one by reason of rain-water leaking from its roof or any part of its roof, or by reason of dampness rising through its ground floor surface or through its walls, the Commissioner may, by notice in writing, require the owner of such buildings to abate the nuisance or to prevent its recurrence within the time and by taking the measures and doing the acts to be specified in the notice.

(*2*) If at any time thereafter the Commissioner is of opinion that such a nuisance may recur he may, notwithstanding that the original nuisance may have been abated by the owner of the building under sub-rule (*1*), give a further notice in writing to the said owner requiring him to abate the probable recurrence of the nuisance within the time and in the manner specified in the notice.

(*3*) If the owner of the building by whose act, default or sufferance such nuisance has arisen or continues is unknown or cannot be found, the Commissioner may take such measures or cause such work to be executed or such things to be done, as shall in his opinion be necessary to abate such nuisance and to prevent its recurrence.

12. (*1*) The owner of a building shall, within a period of seven days after receipt of a written notice from the Commissioner, sign and give a certificate of the following particulars with respect to such building or any part thereof :— Power of Commissioner to call for statement of accommodation.

(*a*) the total number of rooms in the building,

(*b*) the length, breadth and height of each room, and

(*c*) the name of the person to whom he has let the building or each part of the building occupied as a separate tenement.

(*2*) The occupier of a building or of any part of a building occupied as a separate tenement shall, on like notice, and within the like period, sign and give a certificate of the following particulars with respect to such building or part of such building as aforesaid which is in his occupation :—

(*a*) the total number of persons dwelling in the building or any part of it,

(*b*) the manner of use of each room by day and by night, and

(*c*) the number, sex and age of the occupants of each room used for sleeping.

13. (*1*) If at any time it shall appear to the Commissioner that any chimney of a kitchen in a dwelling house is in such a state as to constitute a nuisance by reason of smoke emitted from it, the Commissioner may by notice in writing require the owner of such building to abate the nuisance or to prevent its recurrence within the time and by taking the measures and doing the acts to be specified in the notice. Nuisance caused by smoke of kitchens in dwelling houses.

(*2*) If at any time it shall appear to the Commissioner that in any dwelling house the smoke from the kitchen constitutes a nuisance for want of provision of any chimney the Commissioner may by notice in writing require the owner to take such measures and do such acts for abating the nuisance as may be specified in the notice.

(*3*) If the owner of the building by whose act, default or sufferance such nuisance has arisen or continues is unknown or cannot be found, the Commissioner may take such measures or cause such work to be executed or such things to be done as shall in his opinion be necessary to abate such nuisance and to prevent its recurrence.

14. If in the opinion of the Commissioner the storage, dumping or deposit in any building or land of coal, charcoal, ashes, cinders, gunny bags, wool, cotton, or any material, or the sifting, breaking, cutting or burning of such coal, charcoal, ashes, cinders or material or subjecting the same to any process causes or is likely to cause nuisance to the inhabitants in the neighbourhood of such building or land, by the emanation of dust, floating particles, smoke, unwholesome smell or noise or otherwise, he may, by notice, require the owner or occupier of such building or land to take such steps as may be specified in the notice for the abatement of such nuisance. Abatement of nuisance from dust, smoke, etc.

15. (*1*) For the purpose of this rule, a nuisance shall include— Filling in of pools, etc., which are a nuisance.

(*a*) any pool, swamp, ditch, tank, well, pond, quarry-hole, drain, water course or any collection of water;

(*b*) any cistern or other receptacle for water or any article or thing capable of collecting rain water during the monsoon season, whether within or outside a building;

(*c*) any land on which water accumulates or is likely to accumulate; or

(*d*) any premises or any part of any premises occupied, or unoccupied, or under construction, reconstruction, or demolition, which in the opinion of the Commissioner is, or is likely to become, a breeding place of mosquitoes

or which is, in any other respect, a nuisance as defined in clause (40) of section 2.

(2) The Commissioner may, by notice in writing, require the person by whose act, default or sufferance a nuisance arises, exists or continues, or is likely to arise, and the owner, lessee and occupier of the land, building or premises on which the nuisance arises, exists or continues or is likely to arise or any one or more of such person, owner, lessee, and occupier, to remove, discontinue or abate the nuisance by taking such measures and by executing such work in such manner and within such period of time as the Commissioner shall prescribe in such notice.

(3) The Commissioner may also by any notice under sub-rule (2) or by another notice, served on such person, owner, lessee and occupier, or on any one or more of them, require them, or any one or more of them, to take all steps requisite or necessary to prevent a recurrence of the nuisance and may, if he thinks it desirable, specify any work to be executed or measures to be carried out for that purpose and may serve any such further notice notwithstanding that the nuisance may have been abated or removed if he considers that it is likely to recur:

Provided that if at any time within four months from the date of the service of any such notice, the nuisance recurs through the failure of the person or persons upon whom such notice has been served to comply with the requirements contained in such notice, such person or persons shall be liable without any further notice to the penalties provided for offences under this rule.

(4) Where the nuisance arises or exists or is likely to arise or recur in connection with the construction, reconstruction or demolition of any premises, or any part of any premises, the Commissioner may, in addition to serving any notice or any one or more of the persons mentioned in sub-rule (2), serve any such notice on any architect, surveyor, contractor or other person employed to carry out such work of construction, reconstruction or demolition and also on any sub-contractor employed by such contractor or other person, or any one or more of such contractor, person and sub-contractor.

(5) The Commissioner may, by notice in writing, require any person, owner, lessee and occupier, or any one or more of them, to provide a ladder or ladders (either fixed or moveable) for the purpose of inspection of roof gutters by the municipal staff, if such gutters in any premises are likely to become a breeding place of mosquitoes due to the accumulation of water.

(6) If any person who, by a requisition made under sub-rule (2) or sub-rule (3), is required to fill up, cover over or drain off a well, delivers to the Commissioner, within the time prescribed for compliance therewith, written objections to such requisition, the Commissioner shall report such objections to the Standing Committee and shall make further inquiry into the case, and he shall not institute any prosecution under section 481 for failure to comply with such requisition except with the approval of the Standing Committee, but the Commissioner may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 479 and, pending the Standing Committee's disposal of the question whether the said well shall be permanently filled up, covered over or otherwise dealt with, may cause such well to be securely covered over so as to prevent the ingress of mosquitoes, and in every such case the Commissioner shall determine, with the approval of the Standing

Committee, whether the expenses of any work already done as aforesaid shall be paid by such person, or by the Commissioner out of the Municipal Fund or shall be shared, and, if so, in what proportions.

Permission for new well, etc.

16. (*1*) No new well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing of the Commissioner.

(*2*) If any such work is begun or completed without such permission, the Commissioner may either—

(*a*) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Commissioner shall prescribe, or

(*b*) grant written permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-rule (1).

Precautions in case of dangerous tanks, wells, holes, etc.

17. (*1*) If the Commissioner is of opinion that any tank, pond, well, hole, stream, dam, bank or other place is, for want of sufficient repair, protection or enclosure, dangerous to passersby, or to persons living in the neighbourhood, he may by written notice require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(*2*) If in the opinion of the Commissioner immediate action is necessary he may himself, before giving such notice or before the period of notice expires, take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be paid by the owner.

Power to order cleansing of insanitary private watercourse, spring, tank, well, etc., used for drinking.

18. (*1*) The Commissioner may by written notice require the owner of, or person having control over, any private watercourse, spring, tank, well or other place the water of which is used for drinking, bathing or washing clothes to keep the same in good repair, to cleanse it in such manner as the Commissioner may direct and to protect it from pollution caused by surface drainage or other matter in such manner as may be provided in the notice.

(*2*) If the water of any private tank, well, or other place which is used for drinking, bathing or washing clothes, as the case may be, is proved to the satisfaction of the Commissioner to be unfit for that purpose, the Commissioner may by notice require the owner or person having control thereof to—

(*a*) refrain from using or permitting the use of such water, or

(*b*) close or fill up such place or enclose it with a substantial wall or fence.

Duty of Commissioner in respect of public well or receptacle of stagnant water.

19. If it appears to the Commissioner that any public well or receptacle of stagnant water is likely to be injurious to health or offensive to the neighbourhood, he shall cause the same to be cleansed, drained, or filled up.

Dangerous quarrying may be stopped.

20. If, in the opinion of the Commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having lawful access to the neighbourhood thereof or creates or is likely to create a nuisance, the Commissioner may, with the approval of the Standing Committee, by written notice require the owner of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place, or to take such order with such quarry or place as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Removal and trimming of trees, shrubs and hedges.

21. (*1*) If, in the opinion of the Commissioner—

(*a*) any hedge is at any time insufficiently cut or trimmed, or overgrown with prickly-pear or other rank vegetation;

(*b*) any tree or shrub has fallen or is likely to fall to the danger of public safety or overhangs or obstructs any street or street light to the inconvenience or danger of passengers therein;

(c) any tree situated within any premises has fallen or if any such tree or any branch or fruit thereof is likely to fall and is in any way dangerous to any person occupying, resorting to or passing by such premises or to any structure or place in the neighbourhood thereof; or

(d) any tree situated within any premises causes or is likely to cause inconvenience or nuisance to any person occupying such premises or any neighbouring premises,

the Commissioner may, by written notice, require the owner or occupier of the land on which such hedge, tree or shrub is or has been growing—

(i) to cut down such hedge to a height not exceeding four feet and to a width not exceeding three feet, and to remove any such prickly-pear or other rank vegetation therefrom; or

(ii) to remove, cut, lop or trim such tree or shrub or remove the fruit thereof, as the case may be.

(2) In any case falling under clause (b) or (c) of sub-rule (1) the Commissioner may, if for the public safety it shall appear to him necessay so to do, cause any tree or shrub to be removed, cut, lopped or trimmed or cause any fruit thereof to be removed or cause a part of a street to be fenced off or cause any other measures which he deems necessary to arrest the danger to be taken without previously giving the said owner or occupier notice as aforesaid, and the expenses thereof shall, nevertheless, be paid by the owner or occupier.

Keeping and Destruction of Animals.

Prohibitions as to keeping animals.

22. (1) No person shall—

(a) without the written permission of the Commissioner or otherwise than in conformity with the terms of such permission keep or allow to be kept in any part of the City any swine, horses, cattle, goats, sheep, donkeys or such other four-footed animals as the Commissioner may, from time to time, by public notice direct;

(b) feed any animal, or suffer or permit any animal, to be fed or to feed, with or upon excrementitious matter, dung, stable refuse or other filthy matter;

(c) keep any animal or bird on his premises so as to be a nuisance or so as to be dangerous.

(2) The Commissioner may—

(a) specify in the written permission the limit of the number of animals to be kept on particular premises, or

(b) refuse to give or renew permission if he shall be of opinion that the keeping of the animals on any premises is or is likely to be a nuisance or danger to any person or objectionable on sanitary grounds.

(3) Any swine found straying may be forthwith destroyed and the carcass thereof disposed of as the Commissioner shall direct, and no claim shall lie for compensation for any swine so destroyed.

(4) The Commissioner shall make provision for affixing marks for purpose of identification on animals in respect of which permission is granted under sub-rule (1).

Tethering animals in excess of permitted number prohibited.

23. No person shall tether any animal or cause or permit the same to be tethered beyond the limit authorised by any permission granted under rule 22 or allow any animal to stray at any place in any part of the City.

24. Where a building or any portion thereof is used or intended to be used for human habitation and any portion of such building is used for any of the following purposes, namely:— Stabling animals or storing grain in dwelling house may be prohibited.

(*a*) for keeping any horse, cow, buffalo, bullock, goat, sheep or donkey, or

(*b*) as a godown or place for the storage, in connection with wholesale trade, of grain, seed or groceries, the Commissioner may, if it shall appear to him necessary for sanitary reasons to do so, by written notice require the owner or occupier of such building to discontinue the use of such building for any such purpose:

Provided that the Commissioner may permit such use subject to such conditions as he may think fit to prescribe.

Regulation of Factories, Trades, etc.

25. (*1*) Every application for permission under section 313 shall be in writing and shall give such information and be accompanied by such plans as may be prescribed by by-laws. New factories.

(*2*) The Commissioner may, as soon as may be after the receipt of the application—

(*a*) grant the permission applied for either absolutely or subject to such conditions as he thinks fit to impose, provided the location of such factory, workshop, workplace or bakery is not contrary to any requirement of this Act or any rule, by-law, regulation or standing order, or

(*b*) refuse to give such permission if he shall be of opinion that the establishment of such factory, workshop, workplace or bakery in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be for any reason a nuisance to the inhabitants of the neighbourhood.

(*3*) If any written permission for the establishment of a factory, workshop, workplace or bakery granted under sub-rule (2) be revoked by the Commissioner in the exercise of his power under sub-section (*3*) of section 386, no person shall continue or resume the working or use of such factory, workshop, workplace or bakery until such written permission is renewed or a fresh written permission is granted by the Commissioner.

26. (*1*) The Commissioner may by public notice direct that every furnace employed or to be employed for the purpose of any trade or manufacture shall be so constructed, supplemented or altered as to consume its own smoke as far as may be practicable. Furnaces used in trade or manufacture to consume their own smoke.

(*2*) No person shall after such direction—

(*a*) use or permit to be used any furnace employed for the purpose of any trade or manufacture, which does not, so far as practicable, consume its own smoke; or

(*b*) so negligently use or permit to be used any such furnace as that it shall not, as far as practicable, consume its own smoke.

(*3*) Nothing in this rule shall be deemed to apply to a locomotive engine used for the purpose of traffic upon any railway or for the repair of streets.

(*4*) Any person who contravenes the provisions of this rule, whether he be the owner or occupier of the premises in which the furnace is

situated or the agent or some person employed by the owner or occupier for managing the same, shall be punished with fine which may extend, on a first conviction, to one hundred rupees and, on a second or subsequent conviction, to a sum amounting to double the amount of the fine imposed on the last preceding conviction.

Sanitary regulation of factories, etc.

27. (*1*) Whenever it shall appear to the Commissioner—

(*a*) that any factory, work-shop or work-place, or any building or place in which steam, water, electrical or mechanical power is employed or any bakery is not kept in a cleanly state or is not ventilated in such a manner as to render harmless, as far as practicable, any gas, vapour, soot, dust or other impurity generated in the course of the work carried on therein, which is a nuisance or is so overcrowded while work is carried on as to be dangerous or injurious to the health of the persons employed therein; or

(*b*) that any engine, mill-gearing, hoist or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb, the Commissioner may, by written notice, require the owner of such factory, work-shop, work-place or other building or place or bakery to take such order for putting and maintaining the same in a cleanly state, or for ventilating the same, or for preventing the same from being overcrowded or for preventing danger to life or limb from any engine, mill-gearing, hoist or other machinery therein, as he shall think fit.

(*2*) Nothing in this rule shall be deemed to affect any provision of the Indian Boilers Act, 1923, and nothing in this section which relates to fixing or fencing of any engine, mill-gearing, hoist or other machinery shall apply to any factory to which the provisions of the Factories Act, 1948, are applicable.

Prohibition of use of steam-whistle or steam-trumpet without permission of the Commissioner.

28. (*1*) No person shall, without the written permission of the Commissioner, use or employ in any factory or any other place, any whistle, trumpet, siren or horn, worked by steam, compressed air, electricity or other mechanical means for the purpose of summoning or dismissing workmen or persons employed.

(*2*) The Commissioner may at any time revoke any permission which he has given for the use of any such instrument as aforesaid, on giving one month's notice to the person using the same:

Provided that nothing in sub-rule (2) shall be deemed to require one month's notice to be given by the Commissioner, if he suspends or revokes any such permission for any reason specified in sub-section (*3*) of section 386.

Commissioner may issue directions for abatement of nuisance caused by steam or other power.

29. (*1*) If, in any factory, work-shop, work-place or any building or place in which steam, water, electrical or mechanical power is used, nuisance is in the opinion of the Commissioner caused by the particular kind of fuel used or by the noise or vibration created, or in any other manner, he may issue such directions as he thinks fit for the abatement of the nuisance within a reasonable time to be specified for the purpose.

(2) If there has been wilful default in complying with such directions or if abatement is found impracticable, the Commissioner may—

(a) prohibit the use of the particular kind of fuel ; or

(b) prohibit the working of the factory, work-shop or work-place altogether until such directions have been carried out or between the hours of 6 p.m. and 6 a.m. or during any particular time or times between such hours.

Prohibition of Corruption of Water by Chemicals, etc.

Power of inspection.

30. (a) The Commissioner may, after giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes, or conduits connected with any such manufacture or trade as is referred to in section 376, lay open and examine the said works, pipes or conduits.

(b) If, upon such examination, it appears that section 314 has been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination, and of any measure which the Commissioner shall, in his discretion, require to be adopted for the discontinuance of the cause of such contravention, shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof or through whose neglect or fault the said section has been contravened.

(c) If it appears that there has been no contravention of the said section, the said expenses and compensation for any damage occasioned by the said laying open and examination shall be paid by the Commissioner.

Power of Commissioner to require owner or occupier of factory, etc., to discontinue the use of such factory.

31. Whenever it shall appear to the Commissioner that any factory, work-shop, work-place or any building or any place in which steam, water or mechanical or electrical power is employed or any bakery is or is likely to become by reason of the employment of such power or by noise or by any gas, vapour, smoke, vibration, dust or other impurity generated in the course of the work carried on in such place or by any other cause, a nuisance or danger to the life, health or property of persons in the neighbourhood he may by written notice require the owner or occupier of such factory, work-shop, work-place, building or place or bakery to discontinue the use thereof for any of the purposes that may be specified in such notice.

Regulation of washing of clothes by washermen and provision of washing places.

32. (1) The Commissioner may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as he shall appoint for this purpose.

(2) When any such prohibition has been made, neither the owner of the premises shall permit the washing of clothes nor any person who is by calling a washerman shall wash clothes at any place not appointed for this purpose by the Commissioner, except for such person himself or for the owner or occupier of such place.

(3) The Commissioner shall provide suitable places for the exercise by washermen of their calling and may require payment of such fees for the use of any such place as shall from time to time be determined by the Commissioner, with the approval of the Standing Committee.

Prevention of the spread of dangerous diseases.

Information to be given of the existence of dangerous disease.

33. (*1*) In the event of any person within the City, other than an in-patient in a public hospital, being attacked with a dangerous disease—

(*a*) every medical practitioner or person openly and usually practising the medical profession, who in the course of such practice becomes cognizant of the fact, and

(*b*) the occupier of the building in which the person so attacked may be residing or, if the occupier is himself the person attacked, then every adult member of the household, and

(*c*) every person in charge of or in attendance on any person so attacked,

shall, as soon as he becomes cognizant of the fact, forthwith report the same, or cause a report thereof to be made to the Medical Officer of Health:

Provided that no person shall be bound to make such report or to cause such report to be made, if such report has been so made.

Information to be given of animal suffering from a contagious or infectious disease.

(*2*) The owner or person in whose custody any animal may be which is suffering from an infectious or contagious disease shall, as soon as he becomes cognizant of the fact, report the same, or cause a report thereof to be made, to the Medical Officer of Health:

Provided that no person shall be bound to make such report or so cause such report to be made, if such report has been so made.

Prohibition of use for drinking of water likely to cause dangerous disease.

34. (*1*) If it shall appear to the Commissioner that the water in any well, tank or other place is likely to endanger or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water.

(*2*) No person shall remove or use any water in respect of which any such public notice has been issued.

Power to order removal to hospital.

35. (*1*) The Commissioner or any police officer empowered by him in this behalf may, on a certificate signed by the Medical Officer of Health or by any duly qualified medical practitioner, direct or cause the removal of any person who is suffering from a dangerous disease and who is, in the opinion of such Medical Officer of Health or other medical practitioner, without proper lodging or accommodation, or is lodged in a building occupied by more than one family, or whose circumstances are such that proper precautions to prevent the spread of infection cannot be taken or that such precautions are not being taken, to any hospital or place at which patients suffering from the said disease are received for medical treatment.

(*2*) The person, if any, who has charge of a person in respect of whom an order is made under sub-rule (1) shall obey such order.

(*3*) No person who is removed to a hospital or place under sub-rule (1) shall leave, or be removed from, such hospital or place except with the permission of the officer in charge thereof.

Power to order detention in hospital of infected person without proper lodging to return to.

36. (*1*) Where a magistrate, not being a magistrate of the third class, is satisfied, on the application of the Medical Officer of Health that the inmate of a public hospital who is suffering from a dangerous disease would not, on leaving the hospital, be provided with lodging or accommodation in which proper precautions could be taken to prevent the spread of the disease by him, the magistrate may order him to be detained in the hospital at the cost of the Corporation.

(2) An order made under sub-section (1) may direct detention for a period specified in the order, but the magistrate may extend a period so specified as often as it appears to him to be necessary so to do.

(3) Any person who leaves a hospital contrary to an order under sub-rule (1) may, in addition to any penalty which may be imposed for such contravention, be ordered by the Court to be taken back to the hospital.

(4) An order under this rule may be directed, in the case of an order for a person's detention, to the officer in charge of the hospital and, in the case of an order made under sub-rule (3), to the Medical Officer of Health and the officer in charge of the hospital or institution, and the Medical Officer of Health may do, or authorise, all acts necessary for giving effect to the order.

Disinfection of buildings.

37. If the Commissioner is of opinion that the cleansing or disinfecting of a building, or of a part of a building or of any article therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease, he may cause such building or part thereof or article therein to be cleansed or disinfected at the charge of the Municipal Fund and may cause such building to be vacated for such period as he deems necessary for such purpose:

Provided that, if in the opinion of the Commissioner, the owner or occupier is able effectually to carry out such cleansing or disinfection, the Commissioner may cause the said building or part of the building or article likely to retain infection to be cleansed or disinfected by and at the charge of the owner or occupier thereof.

Place for disinfection may be provided.

38. (1) The Commissioner may provide a place, with all necessary apparatus and attendance, for the disinfection of clothing, bedding or other articles which have become infected, and in his discretion may have articles brought to such place for disinfection, disinfected on payment of such fees as he shall from time to time fix, with the approval of the Standing Committee, in this behalf or in any case in which he thinks fit, free of charge.

Also for washing infected articles.

(2) The Commissioner may, from time to time, by public notice appoint a place at which clothing, bedding or other articles which have been exposed to infection from any dangerous disease may be washed; and no person shall wash any such articles at any place not so appointed without having previously disinfected the same.

Exposure of persons and articles liable to convey dangerous disease prohibited.

39. (1) No person knowing that he is suffering from a dangerous disease shall expose other persons to the risk of infection by his presence or conduct in any street, public place, place of entertainment or assembly, school, club, place of religious worship, hotel, inn, *dharamshala*, lodging house, eating house, factory, shop, market or other place of public resort.

(2) No person having the care of a person whom he knows to be suffering from a dangerous disease, shall cause or permit that person to expose other persons to the risk of infection by his presence or conduct in any such place as aforesaid.

(3) No person shall give, lend, sell, transmit or expose without previous disinfection any clothing, bedding or rags which he knows to have been exposed to infection from any such disease, or any other article which he knows to have been so exposed and which is liable to carry such infection:

Provided that a person shall not incur any liability under this rule by transmitting with proper precautions any article for the purpose of having it disinfected.

(4) No person shall place or cause to be placed in a dustbin or other receptacle for the deposit of refuse any matter which he knows to have been exposed to infection from a dangerous disease and which has not been disinfected.

Person suffering from dangerous disease not to carry on occupation of danger.

40. No person knowing that he is suffering from a dangerous disease shall engage in or carry on any trade, business or occupation which he cannot engage in or carry on without risk of spreading the disease.

Explanation.—For the purposes of this rule, making, carrying or offering for sale or taking part in the business of making, carrying or offering for sale any article of food or drink for human consumption and any other trade, business or occupation which may from time to time be specified by public notice by the Medical Officer of Health shall be deemed to be a trade, occupation or business in which a person suffering from a dangerous disease cannot engage in or carry on without risk of spreading the disease.

Conveyances for persons suffering from a dangerous disease.

41. The Commissioner may provide and maintain a suitable conveyance or suitable conveyances for the free carriage of persons suffering from a dangerous disease and, when such provision is made, may by public notice prohibit the conveyance of such persons in all or any public conveyances.

Provisions as to use of public conveyance by persons suffering from dangerous disease.

42. (1) No person who knows that he is suffering from a dangerous disease shall—

(a) enter any public conveyance used for the conveyance of persons at separate fares; or

(b) where no notice has been issued by the Commissioner under rule 41 enter any other public conveyance without previously notifying the owner or driver thereof that he is so suffering.

(2) No person having the care of a person whom he knows to be suffering from a dangerous disease shall permit that person to be carried—

(a) in any public conveyance used for the conveyance of persons at separate fares; or

(b) where no notice has been issued by the Commissioner under rule 41 in any other public conveyance without previously informing the owner or driver thereof that that person is so suffering.

(3) A person who contravenes any of the provisions of this rule shall, in addition to any other penalty to which he may be subject, be ordered by the Court to pay to any person concerned with the conveyance as owner, driver or conductor thereof a sum sufficient to cover any loss and expense incurred by him in connection with the disinfection of the conveyance.

Duty of owner etc., of public conveyance in regard to cases of dangerous disease.

43. (1) The owner, driver or conductor of a public conveyance used for the conveyance of passengers at separate fares, shall not convey therein a person whom he knows to be suffering from a dangerous disease.

(2) The owner or driver of any other public conveyance, notwithstanding that no notice has been issued by the Commissioner under rule 41, may refuse to convey therein any person suffering from a dangerous disease untill he has been paid a sum sufficient to cover any loss and expense which will be incurred by him in connection with the disinfection of the conveyance.

(3) If a person suffering from a dangerous disease is conveyed in a public conveyance, the person in charge thereof shall, as soon as practicable and before permitting any other person to enter the conveyance, cause the conveyance to be disinfected.

44. (*1*) No person who—

(*a*) is concerned in the letting of a house or part of a house, or in showing a house or part of a house with a view to its being let; or

(*b*) has recently ceased to occupy a house or part of a house,

shall if questioned by any person negotiating for the hire of the house, or any part thereof, as to whether there is, or has been within the preceding six weeks, in any part of the house a person suffering from a dangerous disease, knowingly make a false answer to that question.

Provision as to the letting of houses or rooms in hotel after recent case of dangerous disease.

(*2*) No person shall let any house or part of a house in which a person has to his knowledge been suffering from a dangerous disease without having the house, and all articles therein liable to retain infection, disinfected to the satisfaction of the Medical Officer of Health or of some other registered medical practitioner, as testified by a certificate signed by him.

(*3*) No owner or manager of a hotel, lodging house, *serai* or *dharamshala*, shall allow a room therein in which any person has to his knowledge been suffering from a dangerous disease to be occupied by any other person before the room and all articles therein liable to retain infection have been disinfected to the satisfaction of the Medical Officer of Health or of some other registered medical practitioner, as testified by a certificate signed by him.

45. A person having the care of a child who is, or who has been, suffering from, or has been exposed to infection of, a dangerous disease, shall not, after receiving notice from the Medical Officer of Health that the child is not to be sent to school, permit the child to attend school, until he has obtained from the Medical Officer of Health a certificate, for which no charge shall be made, that in his opinion the child may attend school without undue risk of communicating the disease to others.

Child liable to convey dangerous disease may be ordered not to attend school.

46. (*1*) A person shall not send or take to any washerman or to any laundry or place set apart for the exercise by washermen of their calling or to any public water-course, tank or well for the purposes of being washed, or to any place for the purpose of being cleaned, any article which he knows to have been exposed to infection from a dangerous disease unless that article has been disinfected by, or to the satisfaction of, the Medical Officer of Health or a registered medical practitioner or is sent with proper precautions to a laundry for the purpose of disinfection, with notice that it has been exposed to infection.

Infected clothes not to be sent to laundry, etc.

(*2*) The occupier of any building in which a person is suffering from a dangerous disease shall, if required by the Medical Officer of Health, furnish to him the address of any washerman to whom or any laundry or other place to which articles from the house have been, or will be, sent during the continuance of the disease for the purpose of being washed or cleaned.

47. (*1*) If a case of a dangerous disease occurs in any place then, whether the person suffering from the disease has been removed from the place or not the Medical Officer of Health may make an order forbidding any work to which this rule applies to be given out to any person living or working in that place or in such part thereof as may be specified in the order, and any order so made may be served on the occupier of any factory or other place from which it is given out, or on any contractor employed by any such occupier.

Power to prohibit home work on premises where dangerous disease exists.

(*2*) An order under sub-rule (1) may be expressed to operate for a specified time or until the place or any part thereof specified in the order have been disinfected to the satisfaction of the Medical Officer of Health, or may be expressed to be inoperative so long as any other reasonable precautions specified in the order are taken.

(*3*) This rule applies to the making, cleansing, washing, altering, ornamenting, finishing or repairing of wearing apparel and any work incidental thereto, and to such other classes of work as may from time to time by public notice be specified by the Commissioner.

Provisions as to library books.

48. (*1*) A person who knows that he is suffering from a dangerous disease shall not take any book, or cause any book to be taken for his use, or use any book taken from any public or circulating library.

(*2*) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from a dangerous disease.

(*3*) If a book taken from a public or circulating library is to the knowledge of the person who has so taken it exposed to infection from a dangerous disease, he shall not return the book to the library but shall give notice to the person in charge thereof that it has been so exposed to infection.

(*4*) On receiving a notice under sub-rule (3) the person in charge of the library shall cause the book to be disinfected and returned to the library or shall cause it to be destroyed.

Person ceasing to occupy house to disclose to owner any recent case of dangerous disease and to disinfect.

49. (*1*) Every person who ceases to occupy a house or part of a house in which to his knowledge a person has within six weeks previously been suffering from a dangerous disease shall—

(*a*) have the house, or the part of the house, and all articles therein liable to retain infection disinfected to the satisfaction of the Medical Officer of Health or some other registered medical practitioner, as testified by a certificate signed by him;

(*b*) give to the owner of the house or the part of the house, notice of the previous existence of the disease ; and

(*c*) on being questioned by the owner as to whether within the preceding six weeks there has been therein any person suffering from any dangerous disease, give a true and correct answer to such question.

(*2*) The Medical Officer of Health shall give notice of the provisions of this rule to the occupier and also to the owner of any house in which he is aware that there is a person suffering from a dangerous disease.

Avoidance of contact with body of person who suffered from dangerous disease.

50. Every person having the charge or control of any place in which is lying the body of a person who has died while suffering from a dangerous disease shall take such steps as may be reasonably practicable to prevent persons coming unnecessarily into contact with, or proximity to, the body.

Disposal of dead bodies in certain cases.

51. (*1*) No person shall, without the written sanction of the Medical Officer of Health, retain in any place, other than a public mortuary, for more than twelve hours the body of any person who has died while suffering from a dangerous disease.

(*2*) If any such body, not being a body kept in a public mortuary, remains undisposed of for more than twelve hours without sanction as aforesaid or if the dead body of any person is retained in any building so as to endanger the health of the inmates thereof or of an adjoining or neighbouring building, a magistrate may, on the application of the Commissioner, order the body to be removed and disposed of within a specified time and, on such order being made, unless the relatives or friends of the deceased person undertake to, and do, cause the body to be disposed of within the time specified in the order, the Commissioner

shall cause the body to be disposed of. Any expenses reasonably incurred by the Commissioner in so doing shall be paid by any person legally liable to pay the expenses of the disposal of the body unless the Commissioner waives recovery on the ground of poverty.

Restrictions in certain cases on removal of persons dying in hospital.

52. (*1*) If any person dies in a hospital or other place appointed for the accommodation of the sick, while suffering from a dangerous disease, and the Medical Officer of Health or some other registered medical practitioner certifies that in his opinion it is desirable, in order to prevent the spread of infection, that the body should not be removed from the hospital or place except for the purpose of being taken direct to a mortuary or to a place set apart for the disposal of the dead, it shall not be lawful for any person to remove the body from the hospital or place except for such a purpose.

(*2*) In such case as aforesaid, when the body is removed for the purpose of disposal from the hospital or other place or any mortuary to which it has been taken, it shall forthwith be taken direct to some place set apart for the disposal of the dead and there disposed of.

Special measures to check outbreak of dangerous diseases.

Special Measures.

53. (*1*) The special measures to be taken and temporary regulations to be made by the Commissioner under section 319 may include any of the following matters namely:—

(*a*) the evacuation of an infected building used as a dwelling or of any part thereof by the person or persons residing whether habitually or temporarily therein, provided sufficient accommodation for all persons affected is available, or is proved elsewhere;

(*b*) compulsory vaccination or preventive inoculation of persons entering, residing in, or leaving specified areas;

(*c*) the examination by a medical officer of persons and, if necessary, the disinfection of the clothing, bedding or other articles suspected of being infected belonging to persons either arriving from outside a specified area or residing in any building adjacent to any infected building in that area, the recording of the addresses of such persons, and the daily presentation of such persons for medical examination at a specified time and place, for a period not exceeding ten days;

(*d*) the prohibition either generally, or by special order in any individual case, of assemblages consisting of any number of persons exceeding fifty, in any place, whether public or private, or in any circumstances; or for any purpose;

(*e*) the closure for a period to be specified of any theatre, cinema-house or other place of entertainment;

(*f*) the closure, by a written notice to the authorities in charge of a school, of such school for such period as is specified in the notice;

(*g*) restrictions on the movements of persons exposed to infection from a dangerous disease or likely to infect other persons with any such disease;

(*h*) restrictions on the export from, or import into, or transport within a specified area of any goods or articles exposed to, and likely to retain, infection from a dangerous disease or likely to infect persons with any such disease, or the destruction of any such goods or articles;

(*i*) the examination, unloading and disinfection, if necessary, at any place within or outside the City, of any consignment of grain or other foodstuffs, cotton or clothing exported from, or imported into, the City by road or rail;

(*j*) closure of all or any existing markets and bazaars and appointment of special places where markets or bazaars may be held.

(2) When any regulation is in force, requiring compulsory vaccination or inoculation, any person who, or child in whose care, is sought to be vaccinated or inoculated in pursuance of the regulation may declare before a magistrate exercising not less than second class powers that he believes that such vaccination or inoculation will be injurious to his health or the health of the child, as the case may be, and the magistrate may, after giving notice to the Medical Officer of Health and after hearing any representation made by him or on his behalf, exempt such person or child from vaccination or inoculation on condition that the person aforesaid and the members of his family submit to isolation of such description and for such period and to such further restrictions, if any, as may be directed by the magistrate.

(3) The Commissioner may in his discretion give compensation to any person who sustains substantial loss by the destruction of any property under any provision of or any regulation made in accordance with this rule, but, except as allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by the exercise of the powers specified therein.

CHAPTER XV.

MARKETS AND SLAUGHTER HOUSES.

Provisions regarding approaches and environs of private markets.

1. (*1*) The Commissioner may—

(*a*) define or determine the limits of any private market or declare what portions of such market shall be made part of the existing approaches, streets, passes and ways to and in such market; and

(*b*) after hearing the owner or occupier of such market, by written notice require such owner or occupier to—

(i) lay out, construct, alter, clear, widen, pave, drain and light, to the satisfaction of the Commissioner, such approaches, streets, passages and ways to or in such market;

(ii) provide such conveniences for the use of persons resorting to such market; and

(iii) provide adequate ventilation and lighting of the market-building, or any portion thereof, including shops and stalls, as the Commissioner may think fit.

(2) The Commissioner may, by written notice, require such owner or occupier to maintain in proper order the approaches, streets, passages and ways to and in such market and such other conveniences as are provided for the use of persons resorting thereto.

Provisions for requiring private market-buildings and slaughter-houses to be properly paved and drained

2. The Commissioner may, by a written notice, require the owner, farmer or occupier of any private market or slaughter-house, to cause—

(*a*) the whole or any portion of the floor of the market building, market place or slaughter-house to be raised or paved with dressed stone or other suitable material;

(*b*) such drains to be made in or from the market-building, market-place or slaughter-house, of such material, size and description, at such level and with such outfall, as to the Commissioner may appear necessary;

(*c*) a supply of water to be provided for keeping such market-building, market-place or slaughter-house in a clean and wholesome state;

(*d*) any shop, stall, shed, standing or other structure, in any private market to be altered or improved, in such manner as the Commissioner may consider necessary;

(*e*) any privy, water-closet or urinal or any other sanitary arrangement to be constructed or made at such site and in such manner as the Commissioner may deem necessary and expedient; and

(*f*) any other measures to be taken necessary, in his opinion, in the interest of public health or sanitation.

CHAPTER XVI.

Transport Undertaking.

Fares and Charges.

Exhibition of list of fares and charges.

1. A printed list of all the fares and charges levied for the time being in such language or languages as the Corporation may from time to time specify in this behalf shall be exhibited in a conspicuous place inside each vehicle used by the Transport Undertaking for the conveyance of the public.

2. The fares and charges shall be paid to such persons, at such places upon or near the prescribed route of the transport service, and in such manner and under such regulations, as the Transport Committee shall, by notice to be annexed to the list of fares, prescribe.

CHAPTER XVII.

Vital Statistics.

Forms of Certificate of Death.

Forms to be provided.

For the purpose of section 369 the Commissioner shall provide printed forms of the certificates of death and any duly qualified medical practitioner resident in the City shall be supplied, on application, with such forms free of charge.

CHAPTER XVIII.

Articles for keeping which and trades and occupations for which Licences are needed.

Part I.

Articles which shall not be kept without a licence in or upon any premises.

Dynamite
Blasting powder
Fulminate of mercury
Gun-cotton
Nitro-glycerine
Phosphorus

PART II.

Articles which shall not be kept without a licence, in or upon any premises in quantities exceeding at any one time the maximum quantities hereunder set opposite such article respectively :—

Articles.	Maximum quantity which may be kept at any one time without a licence.
Bidi leaves	4 cwts.
Camphor	1/2 cwt.
Celluloid ... ... Celluloid goods	4 cwts.
Cinematograph films	20 lbs.
Copra	4 cwts.
Cotton refuse and waste	4 cwts.
Cotton seed	12 cwts.
Dry leaves (*Patravali*, etc.)	4 cwts.
Gun-powder	5 lbs.
Matches for lighting	5 gross boxes.
Methylated spirit and Denatured spirit ...	10 gallons.
Paints	5 cwts.
Old paper (waste) including old newspapers, periodicals, magazines, etc., kept for sale or for other than domestic use	4 cwts.
Petroleum as defined in the Petroleum Act, 1934.	10 gallons.
Oil (other sorts)	20 gallons.
"Oil-seeds" other than cotton seed ...	1 ton.
Sulphur	1/2 cwt.
Tar, pitch, dammer or bitumen	1/2 cwt.
Turpentine	10 gallons.
Varnish	40 cwts.

PART III.

Articles which shall not be kept without a licence for sale or for other than domestic use in or upon any premises irrespective of the quantity kept at any one time or in quantities exceeding at any one time the maximum quantities hereunder set opposite such article respectively :—

Articles.	Maximum quantity, if any, which may be kept at any one time without a licence.
Bamboos	10 cwts.
Bones	
Coconut fibre	
Charcoal	
Coal	
Coke	
Fat	
Firewood	
Fireworks	
Fish (dried)	10 cwts.
Grass (dry)	
Gunny bags	
Hair	
Hay and fodder	
Hemp	
Hessian cloth (Gunny bag cloth)	
Hides (dried)	
Hides (raw)	
Hoofs	
Horns	
Khokas or wooden boxes or barrels (manufacturing and storing)	
Rags	10 cwts.
Skins	
Timber	
Wool (raw)	3 cwts.

PART IV.

Trades or operations connected with trade which shall not be carried on in or upon any premises without a licence.

Baking or preparing for human consumption (for other than domestic use) bread, biscuits or other articles made of flour.
Casting metals.
Condiments manufacturing.
Dyeing cloth or yarn, in indigo or other colour.
Electro-plating.
Keeping of eating-houses.
Keeping of sweetmeat shops except in premises already licensed as an eating-house.
Keeping of hair dressing saloons or barbers' shops.
Tanning, pressing or packing hides or skins whether raw or dried.

Manufacturing, packing, pressing, cleaning, cleansing, melting o preparing by any process whatever any of the following articles:—

Aerated water.
Bones.
Bricks or tiles.
Catgut.
Cotton or cotton refuse or cotton seed
Compressed coal.
Dammer.
Dynamite.
Fat.
Fireworks.
Ice, ice candies, ice fruit, or ice cream.
Lime.
Matches for lighting.
Paper.
Rubber goods.
Snuff.
Soap.
Sugar, sugar candy.
Tar.
Vegetable oil.

CHAPTER XIX.

PENALTIES.

Certain offences punishable with fine

1. Whoever—

(*a*) contravenes any provision of any of the rules, sub-rules and clauses mentioned in the first column of the following table or any regulation made thereunder; or

(*b*) fails to comply with any requisition lawfully made upon him under any of the said rules, sub-rules or clauses, shall be punished, for each such offence, with fine which may extend to the amount mentioned in that behalf in the second column of the said table.

Rule, sub-rule or clause.	Fine which may be imposed.
Chapter VIII.	
1, 2 (2), 5, 25	Fifty rupees.
29 (1), 29 (2)	One hundred rupees.
Chapter IX.	
2 (3), 2 (4), 4, 9 (2), 11 (1), 14 (1), 15, 17 (1), 18, 19 (2), 19 (3).	Fifty rupees.
1 (1), 2 (1), 5 (*a*), 6, 10, 17 (2) ...	One hundred rupees.
3, 7 (1), 7 (2), 8, 12, 13, 16, 19 (1), 19 (4) ...	Two hundred rupees.

Rule, sub-rule or clause.	Fine which may be imposed.
Chapter X.	
3 (1), 6, 7, 11 (2), 18 (2)	Fifty rupees.
2 (2), 2 (3), 8 (1), 13, 14	One hundred rupees.
2 (1), 3 (1), 18 (1)	Two hundred rupees.
Chapter XI.	
288 (1) (*e*), 288 (2)	Twenty rup---
Chapter XII.	
12 (1), 12 (2), 12 (3)	Ten rupees.
8 (2), 13	Fifty rupees.
8 (1)	One hundred rupees.
11	Two hundred rupees.
10	Five hundred rupees.
6 (1)	One thousand rupees.
Chapter XIV.	
1, 2, 13 (1), 13 (2), 32 (2). ...	Twenty rupees.
3, 5 (1), 7, 10, 11 (1), 11 (2), 14, 17, 18 (1), 21 (1), 24, 28 (1), 34 (2), 41, 48 (1), 48 (2), 48 (3), 48 (4).	Fifty rupees.
8, 18 (2), 22 (1), 23, 33 (1), 35 (2), 35 (3), 36, 38 (2), 39 (1), 39 (2), 39 (4), 40, 44, 45, 46 (2), 49 (1), 42 (1), 42 (2), 50, 51 (1).	One hundred rupees.
12, 15, 29 (1), 34 (2), 46 (1), 52 (1), 52 (2) ...	Two hundred rupees.
16 (1), 16 (2), 27 (1), 47	Two hundred and fifty rupees.
20, 29 (2), 31, 39 (3), 43 (1), 43 (3), 44 (2), 44 (3).	Five hundred rupees.
25 (3)	One thousand rupees.
Chapter XV.	
1 (1) (*b*), 1 (2), 2	Two hundred rupees.

Continuing offences.

2. Whoever, after being convicted of—

(*a*) contravening any provision of any of the rules, sub-rules and clauses mentioned in the first column of the following table or any regulation made thereunder; or

(*b*) failing to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses, continues to contravene the said provisions or to neglect to comply with the said requisition, or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, shall be punished, for each day that he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the second column of the said table.

Rule, sub-rule or clause.	Daily fine which may be imposed.
Chapter IX.	
2 (3), 2 (4), 4, 9 (2), 11 (1), 14 (1), 15, 17 (1) ...	Five rupees
1 (1), 2 (1), 3, 5 (*a*), 6, 10, 17 (2), 18, 19 (2), 19 (3)	Ten rupees
12, 13	Twenty rupees
7 (1), 7 (2), 19 (1), 19 (4) ...	Fifty rupees
Chapter X.	
7, 11 (2), 18 (2)	Five rupees
6, 8 (1)	Ten rupees
18 (1)	Fifty rupees
Chapter XI.	
288 (1) (*e*), 288 (2) (*b*)	Five rupees
Chapter XII.	
12 (2), 12 (3)	Five rupees
8 (2), 13	Ten rupees
8 (1)	Twenty rupees
6 (1), 10	One hundred rupees
Chapter XIV.	
7, 8, 13 (1), 13 (2), 21 (1), 32 (2)	Five rupees.
1, 2, 3, 5 (1), 8, 14, 17, 18 (1), 28 (1) ...	Ten rupees
11 (1), 11 (2), 15, 22 (1)	Fifteen rupees
12, 16 (2), 18 (2), 23, 24	Twenty rupees
29 (1), 40, 45, 47	Fifty rupees
20, 27 (1), 29 (2), 31	One hundred rupees
25 (3)	Five hundred rupees
Chapter XV.	
2	Fifty rupees.

FORM B.

(*See* Chapter I, rule 25.)

FORM OF BALLOT PAPER.

Form of Front of Ballot Paper.

Counterfoil

Serial No.

Ward.. .....

Name or number of polling station.....

Number of elector on election roll.....

Signature or thumb-impression of elector.....

Outerfoil

Front

Name and Symbol of Candidate.	Cross.

Note.—It is considered important that the whole of the outerfoil of the ballot paper should be taken up by the cage containing the names and symbols of candidates and spaces for recording votes.

Back of Outerfoil.

Instructions.

1. You have vote(s).

2. The vote is to be shown by a cross mark (×). Each mark means one vote.

3. Do not put more than one cross against the name of any one candidate.

4. Do not put more than cross(es) in all on the paper.

Serial No,

FORMS.

FORM A.

(*See* Chapter I, rule 9.)

Nomination Paper.

Name and number of the ward ...
Name of candidate. ...
Father's / Husband's name. ...
Age ...
Address. ...
Ward in the election roll of which the name of the candidate is included.
Number of the candidate in the ward election roll. ...
Community and caste (only to be filled in by Harijan candidate when election includes seat reserved for Harijans).
Name of the proposer. ...
Number of the proposer in the election roll of the ward.
Signature of the proposer. ...
Name of the seconder. ...
Number of the seconder in the election roll of the ward.
Signature of the seconder. ...

Declaration by candidate.

I hereby declare that I agree to this nomination.

Date

(Signature of candidate.)

(To be filled in by the Commissioner.)

Certificate of Delivery.

Serial No.

This nomination paper was delivered to me at my office at (date and hour

(Signature of the Commissioner.)

FORM C.

(*See* Chapter I, rule 26.)

TENDERED VOTES LIST.

Polling Station.

Name of ward.	Name of elector.	Number on election roll.	Number of votes recorded.	Signature or thumb-impression of elector.

FORM D.

(*See* Chapter I, rule 27.)

List of Challenged Votes.

Signature Sheet No.

Number on election roll.	Name.	Signature of elector, if literate, or thumb-impression of elector, if illiterate.	Name of identifier, if any.

Order of Presiding Officer (in each case).

FORM E.

(*See* Chapter I, rule 29.)

Certificate entitling a presiding officer, polling officer or polling agent to vote at the polling station where he is appointed for duty.

A B being duly registered as elector No. on the election roll of the Ward and being duly appointed for duty as presiding officer / polling officer / polling agent at polling station is entitled to record his vote at polling station

Dated

Municipal Commissioner for the City of

FORM F.

(*See* Chapter I, rule 31.)

Form of Statement to Accompany Returns of Presiding Officers

Name of ward

Name of Polling Station

Total number of electors for the polling station as shown on election roll.	Total number of ballot papers entrusted to presiding officer.	Total number of ballot papers used.	Account of used ballot papers.			Balance that should be in ballot box.	Number of unused ballot papers.	Number of ballot boxes used.
			Used for the votes of polling and presiding officers and polling agents entitled to vote at another polling station (rule 29).	Tendered ballot papers (rule 26).	Spoilt ballot papers (rule 28).			
1	2	3	4	5	6	7	8	9

Column 1.—Give total of the names on the election roll for your polling station.
Column 2.—Give total number of ballot papers received by you from the Commissioner.
Column 3.—Count the counterfoils of the issued ballot papers and enter that number.
Column 4.—Total of the counterfoils of ballot papers used by the presiding and polling officers and polling agents entitled to vote at another polling station.
Column 5.—Total of the counterfoils of tendered votes; these counterfoils will be blank; the total in form C must tally with this total.
Column 6.—Total of the counterfoils marked cancelled (rule 28) checked with the total number of spoilt ballot papers with the presiding officer.
Column 7.—Deduct from total in column 3 the sum of the totals in columns 4, 5 and 6.
Column 8.—Count unused ballot papers and enter this total.

FORM G.

(*See* Chapter VIII, rule 41.)

Form of Notice of Demand.

To

A. B.

residing at

Take notice that the Municipal Commissioner for the City of demands from (*you*) the sum of , due from (*you*) on account of (*here describe the premises, vehicle, animal, occupation or thing on account of which the tax is leviable*) for the half-year (*or* quarter) commencing (*or* ending) on the day of 19 ; and that if the said sum is not paid into the municipal office at , or if sufficient cause for non-payment of the sum is not shown to the satisfaction of the Commissioner within fifteen days from the service of this notice, a warrant of distress or attachment will be issued for the recovery of the same, with costs.

Dated this day of 19 ;

(Signed)

Municipal Commissioner for the City of

FORM H.

(*See* Chapter VIII, rule 42.)

Form of Warrant of Distress or Attachment.

To (here insert the name of the officer charged with the execution of the Warrant).

Whereas A. B., of ; has not paid, or shown sufficient cause to my satisfaction for the non-payment of, the sum of due for the tax* mentioned in the margin for the half-year (*or* quarter) commencing (*or* terminating) on the day of 19 ; although the said sum has been duly demanded in writing from the said A. B., and fifteen days have elapsed since the service of the notice of demand;

*Here describe the tax.

This is to command you to $\frac{\text{distrain the moveable property}}{\text{attach any property}}$ of the said A. B. (or, as the case may be, any moveable property on the premises in respect of which the said tax is due) to the amount of the said sum of , and such further sum as may be sufficient to defray the cost of recovering the said amount; and forthwith to certify to me together with this warrant all particulars of the $\frac{\text{property attached}}{\text{moveable property distrained}}$ by you thereunder.

Dated this day of 19 .

(Signed)

Municipal Commissioner for the City of

FORM I.

(*See* Chapter VIII, rules 46 and 49.)

To

A. B.

residing at

Take notice that I have this day seized the moveable property specified in the inventory beneath this, for the sum of due for the tax mentioned in the margin* for the half-year (*or* quarter) commencing (*or* terminating) on the day of 19 ; and that unless you pay into the municipal office at the amount due, together with the costs of recovery, within five days from the day of the date of this notice, the moveable property will be sold.

* Here describe the tax.

Dated this day of 19

(Signature of the officer executing the warrant.)

Inventory.

(Here state particulars of the moveable property seized.)

The BOMBAY MALEKI TENURE ABOLITION ACT, 1949.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Abolition of Maleki tenure and its incidents.
4. All lands liable to land revenue in Maleki villages.
5. Method of compensation for the extinguishment or modification of right in lands.
6. Limitation.
7. Court-fees.
8. Rules.

THE SCHEDULE.

BOMBAY ACT No. LXI OF 1949.[1]

[THE BOMBAY MALEKI TENURE ABOLITION ACT, 1949.]

[*11th January 1950*]

An Act to abolish the Maleki tenure in the Province of Bombay.

WHEREAS it is expedient to abolish the Maleki tenure which prevails in certain parts of the Province of Bombay and to provide for certain consequential and incidental matters hereinafter appearing; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Maleki Tenure Abolition Act, 1949.

(*2*) It extends to the District of Kaira.

(*3*) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, specify.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Maleki village" means a village specified in the Schedule appended to this Act;

(*b*) "Malek" means a holder of a Maleki village and includes his co-sharers;

(*c*) "Code" means the Bombay Land Revenue Code, 1879.

Bom. V of 1879.

(*2*) Any word or expression which is defined in the Code and not defined in this Act shall be deemed to have the meaning given to it by the Code.

(*3*) References in this Act to the incidents of the Maleki tenure shall, notwithstanding the abolition of the said tenure by this Act, be construed as references to the incidents as they were in force immediately before this Act comes into force.

Abolition of Maleki tenure and its incidents.

3. (*1*) With effect from and on the date on which this Act comes into force,—

(*a*) the Maleki tenure wherever it prevails in the District of Kaira shall be deemed to have been abolished;

(*b*) in particular, a Malek shall not be entitled,—

(*i*) to receive any share of revenues of vajeli lands in his village;

(*ii*) to receive any share of the miscellaneous revenues consisting of sale proceeds of grass, grazing, produce of fruit trees or wood on waste vajeli lands in his village;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V, page 263.

(*iii*) to claim a preferential right for the purchase of the occupancy of any waste vajeli land; and

(*iv*) to claim a right to nominate a Talati.

(*2*) Nothing in sub-section (*1*) shall affect the right of a Malek to hold nakru lands as being exempt from payment of land revenue or to receive santh cash payment to which he is entitled under the sanad granted on behalf of the Crown.

(*3*) Save as expressly provided by this Act, all the incidents of the said tenure shall be deemed to have been extinguished, notwithstanding any law, custom or usage, or anything contained in any sanad, grant, settlement, contract or order made by or entered into on behalf of the Crown.

All lands liable to land revenue in Maleki villages.

4. (*1*) Subject to the provisions of sub-section (*2*), all lands in the Maleki villages are and shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder.

(*2*) Nothing in sub-section (*1*) shall be deemed to affect the right of a Malek to hold any nakru land as being exempt from the payment of land revenue or the right of any other person to hold any other land as being so exempt under a special contract or any law for the time being in force.

Method of compensation for the extinguishment or modification of right in lands.

5. (*1*) If a Malek or any other person is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in land and if such person proves that such extinguishment or modification amounts to the transference to public ownership of any land or any right in or over such land such person may apply to the Collector for compensation.

(*2*) Such application shall be made in the form prescribed by rules made under this Act within six months from the date on which this Act comes into force.

(*3*) The Collector shall after holding a formal inquiry in the manner provided by the Code determine the amount of such compensation and the apportionment, if necessary, among the co-sharers entitled to it and shall make an award accordingly :

Provided that the amount of compensation for the extinguishment or modification of such rights mentioned in clause (*b*) of sub-section (*1*) of section 3 shall not exceed three times the maximum of the average of the amount proved to have been realized by the Malek during five years immediately before the date on which this Act comes into force in respect of his share in the revenues of the vajeli lands and of his share in the miscellaneous revenues mentioned in sub-clause (*ii*) of clause (*b*) of sub-section (*1*) of section 3 :

Provided further that in determining the amount of compensation in the case of any other right proved to have been extinguished or modified by the Malek or any other person, the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894. 1 of 1894.

(*4*) Subject to the provisions of sub-section (*5*) the award of the Collector shall be final.

(*5*) Any person aggrieved by the award of the Collector may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939. Bom. XII of 1939.

(6) In deciding appeals under sub-section (5) the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of the Civil Procedure, 1908.

V of 1908.

Limitation.

6. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal.

IX of 1908.

Court-fees.

7. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed by rules made under this Act.

of 1870.

Rules.

8. The Provincial Government may, by notification published in the *Official Gazette*, make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication.

THE SCHEDULE.

[*See* section 2 (*1*) (*a*).]

Maleki villages in Thasra taluka, Kaira district.

1. Padal.
2. Rasulpura (Padal).
3. Menpura.
4. Baladha.
5. Pali.
6. Malvan.
7. Rustampura.
8. Khadgodhra.
9. Nadadra.
10. Saloon.
11. Sanadra.
12. Palaiya.
13. Jargal.
14. Sanaiya.
15. Wangroli.
16. Sandheli.
17. Dabhali.
18. Vaso.
19. Mahi-Itadi Vadi Bhag
20. Mahi-Itadi Vallavpur.
21. Kuni.
22. Rozva.
23. Vadad.
24. Mitha-na-Muvada.
25. Angadi Kasba.
26. Angadi Pahadia.
27. Vanoda.

THE BOMBAY TALUQDARI TENURE ABOLITION ACT, 1949.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Abolition of taluqdari tenure and its incidents.
4. Revenue surveys to be deemed to be surveys under the Code.
5. Liability of Taluqdari land to payment of land revenue.
6. All public roads, etc., not situate in wantas to vest in the Crown.
7. Compensation to taluqdars for extinguishment of rights under the preceding section.
8. Appeal against the Collector's award.
9. Procedure before the Revenue Tribunal.
10. Limitation.
11. Court-fees.
12. Finality of the award and decision of the Revenue Tribunal.
13. Inquiries and proceedings to be judicial proceedings.
14. Method of compensation for the extinguishment or modification of any other rights.
15. Rules.
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17. Repeal.

SCHEDULE I.

SCHEDULE II.

BOMBAY ACT No. LXII OF 1949.[1]

[THE BOMBAY TALUQDARI TENURE ABOLITION ACT, 1949.]

[*24th January 1950*]

An Act to abolish the taluqdari tenure in the Province of Bombay.

WHEREAS it is expedient to abolish the taluqdari tenure prevailing in certain parts of the Province of Bombay and to amend the law relating to the revenue administration of the estates held on the said tenure; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Taluqdari Tenure Abolition Act, 1949.

(*2*) It extends to the districts of Ahmedabad, Kaira, Broach and the Panchmahals as constituted immediately before the 1st day of August 1949.

(*3*) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

Bom. V of 1879.

(*1*) "Code" means the Bombay Land Revenue Code, 1879;

Bom. VI of 1888.

(*2*) "Taluqdars' Act" means the Gujarat Taluqdars' Act, 1888;

(*3*) "Taluqdari land" means land forming part of a taluqdari estate and includes land forming part of such estate and held by a cadet of a taluqdar's family for the purpose of maintenance;

(*4*) "Taluqdari tenure" means a land tenure on which the taluqdari land is held;

(*5*) the words and expressions used in this Act shall be deemed to have the same meaning as they have in the Code.

Abolition of taluqdari tenure and its incidents.

3. With effect from the date on which this Act comes into force,—

(*i*) the taluqdari tenure shall wherever it prevails be deemed to have been abolished; and

(*ii*) save as expressly provided by or under the provisions of this Act, all the incidents of the said tenure attaching to any land comprised in a taluqdari estate shall be deemed to have been extinguished.

Revenue surveys to be deemed to be surveys under the Code.

4. All revenue surveys or revised revenue surveys of taluqdari estates directed by the Provincial Government under section 4 of the Taluqdars' Act and all settlements made shall be deemed to have been made under Chapters VIII and VIII-A of the Code and the settlement registers and other records prepared of such surveys shall be deemed to have been prepared under the corresponding provisions of the Code.

Liability of taluqdari land to payment of land revenue.

5. (*1*) Subject to the provisions of sub-section (*2*),—

(*a*) all taluqdari lands are and shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder, and

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V, pp. 198-99.

(*b*) a taluqdar holding any taluqdari land or a cadet of a taluqdar's family holding any taluqdari land hereditarily for the purpose of maintenance, immediately before the coming into force of this Act, shall be deemed to be an occupant within the meaning of the Code or any other law for the time being in force.

(*2*) Nothing in sub-section (*1*) shall be deemed to affect—

(*a*) the right of any person to hold any taluqdari land wholly or partially exempt from the payment of land revenue under a special contract or any law for the time being in force;

(*b*) the right of any person to pay jama only under any agreement or settlement recognised under section 23 or under a declaration made under section 22 of the Taluqdars' Act so long as such agreement, settlement or declaration remains in force under the provisions of this Act.

All public roads, etc., not situate in wantas to vest in the Crown.

6. All public roads, lanes and paths, the bridges, ditches, dikes and fences, on, or beside, the same, the bed of the sea and of harbours, creeks below high water mark, and of rivers, streams, nallas, lakes, wells and tanks, and all canals, and water courses, and all standing and flowing water, all unbuilt village site lands, all waste lands and all uncultivated lands (excluding lands used for building or other non-agricultural purposes), which are not situate within the limits of the wantas belonging to a taluqdar in a taluqdari estate shall, except in so far as any rights of any person other than the taluqdar may be established in and over the same and except as may otherwise be provided by any law for the time being in force, vest in and shall be deemed to be, with all rights in or over the same or appertaining thereto, the property of the Crown and all rights held by a taluqdar in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the Commissioner, to dispose them of as he deems fit, subject always to the rights of way and of other rights of the public or of individuals legally subsisting.

Explanation.—For the purposes of this section, land shall be deemed to be uncultivated, if it has not been cultivated for a continuous period of three years immediately before the date on which this Act comes into force.

Compensation to taluqdars for extinguishment of rights under the preceding section.

7. (*1*) Any taluqdar having any rights in such property shall be entitled to compensation in the manner provided in the following paragraphs, namely :—

(*a*) within a period of twelve months from the date on which this Act comes into force, the taluqdar shall apply in writing to the Collector stating the nature of his right, the grounds of his claim and the amount of compensation claimed by him for the extinguishment of his rights;

(*b*) the Collector shall hold a formal inquiry in the manner provided in the Code and if the Collector is satisfied that the applicant had any rights in the land and that such rights have been extinguished under the last preceding section, shall make an award in the manner prescribed in section 11 of the Land Acquisition Act, 1894, subject to the following conditions :— 1894

(*i*) if the property acquired is waste or uncultivated but is culturable land the amount of compensation shall not exceed three times the assessment of the land:

Provided that if the land has not been assessed, the amount of compensation shall not exceed such amount of assessment as would be leviable in the same village on the same extent of similar land used for the same purpose;

(*ii*) if the property is land over which the public has been enjoying or acquired a right of way or any individual has any right of easement, the amount of compensation shall not exceed the amount of the annual assessment leviable in the village for uncultivated land in accordance with the rules made under the Code or if such rules do not provide the levy of such assessment, such amount as in the opinion of the Collector shall be the market value of the right or interest held by the claimant;

(*iii*) if there are any trees or structures on the land, the amount of compensation shall be the market value of such trees or structures, as the case may be;

Explanation.—For the purposes of this section, the "market value" shall mean the value as estimated in accordance with the provisions of sections 23 and 24 of the Land Acquisition Act, 1894, in so far as such provisions may be applicable.

I of 1894

(*2*) Every award made under sub-section (*1*) shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894, and the provisions of the said Act, shall, so far as may be, apply to the making of such award.

I of 1894.

8. An appeal shall lie against an award of the Collector to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, notwithstanding anything contained in the said Act.

Appeal against the Collector's award.

Bom. XII of 1939.

9. (*1*) The Bombay Revenue Tribunal shall, after giving notice, to the appellant and the Provincial Government, decide the appeal and record its decision.

Procedure before the Revenue Tribunal.

(*2*) In deciding appeals under this Act, the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which a Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908.

V of 1908.

10. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal.

Limitation.

IX of 1908.

11. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

Court fees.

VII of 1870.

12. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

Finality of the award and decision of the Revenue Tribunal.

13. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

Inquiries and proceedings to be judicial proceedings.

XLV of 1860.

14. (*1*) If any person is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in any land other than those in respect of which provision for the payment of compensation has been made under section 7 and if such person proves that such extinguishment or modification amounts to the transference to public ownership of such land or any right in of over such land, such person may apply to the Collector for compensation within a period of twelve months from the date on which this Act comes into force.

Method of compensation for the extinguishment or modification of any other rights.

(*2*) The Collector shall, after holding a formal inquiry in the manner provided in the Code, make an award deciding such amount of compensation as he deems reasonable and adequate. In deciding the amount of compensation, the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894. I of 1894.

(*3*) An appeal shall lie from the said award to the Bombay Revenue Tribunal.

(*4*) The provisions of sections 7 to 13 (both inclusive) shall, so far as may be, apply to the proceedings in respect of such award or appeal, as the case may be.

Rules.

15. (*1*) The Provincial Government may, by notification published in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provisions such rules may provide for the following matters :—

(*a*) the value of court-fee stamp payable on an appeal to the Bombay Revenue Tribunal under section 11 ;

(*b*) any other matter which is to be or may be prescribed under this Act.

(*3*) Rules made under this section shall be subject to the condition of previous publication.

Application of the Code to the taluqdari lands.

16. Subject to the provisions of this Act, the provisions of the Code apply and are hereby declared to apply to all taluqdari lands subject to the modifications specified in Schedule I.

Repeal.

17. The enactments specified in Schedule II are hereby repealed :

Provided that the repeal of the said enactments shall not in any way be deemed to affect,—

(*a*) the validity, invalidity, effect or consequences of any alienation of or any incumbrance created on a taluqdari land or of anything already done or suffered to be done under the said enactments before the date of the commencement of this Act ;

(*b*) any obligation or liability already incurred or accrued before such date ;

(*c*) any declaration made or any agreement or settlement recognised, any partition confirmed and any management of the taluqdari estate assumed under the provisions of any of the enactments hereby repealed,

and any proceedings connected with such partition or management instituted before the aforesaid date shall be continued and disposed of, as if this Act had not been passed.

SCHEDULE I.

(*See* section 16.)

Year.	No.	Short title.	Extent of modification.
1	2	3	4
1879 ...	V	The Bombay Land Revenue Code, 1879.	(1) In section 3, clause (13), after the words "the Provincial Government" the words "and includes a taluqdar" shall be inserted. (2) In section 38, after the words "unalienated portions of villages" the words "or in villages or portions of villages comprised in a taluqdari estate" shall be inserted.

Year.	No.	Short title.	Extent of modification.
1	2	3	4
			(3) In section 46,— (i) after the words "any holder of alienated land" the words "or a taluqdar" shall be inserted; (ii) after the words "the said holder", the words "or taluqdar, as the case may be" shall be inserted. (4) In section 56,— (i) after the words "alienated holding" wherever they occur, the words "or taluqdari land" shall be inserted; (ii) for the words "such occupancy or alienated holding" wherever they occur and for the words "such occupancy or holding" the words "such occupancy, alienated holding or land" shall be substituted. (5) In section 57,— (i) for the words "a holding" th words "a holding or land" shall be substituted; (ii) for the words "such holding" the words "such holding or land" shall be substituted. (6) In section 58, after the words "share of a village" wherever they occur, the words "or of a village or portion of a village comprised in a taluqdari estate" shall be inserted. (7) In section 69, after the word "unalienated" the words "or taluqdari" shall be inserted. (8) In section 76, after the words "alienated land" the words "or any taluqdari land" shall be inserted. (9) In section 80,— (i) after the words "an occupancy" the words "or any taluqdari land" shall be inserted; (ii) after the word "occupant" wherever it occurs the words "or holder" shall be inserted. (10) In section 85, sub-section (*1*), after the words "alienated share of a village" the words "or of a village or portion of a village comprised in a taluqdari estate" shall be inserted. (11) In section 94A, sub-section (*1*), after the words "alienated share of a village" the words "or of a village or portion of a village comprised in a taluqdari estate" shall be inserted. (12) In section 111, after the word "estate" where it occurs for the first time the words "including a taluqdari estate" shall be inserted. (13) In section 114, the words "or in a taluqdari estate" shall be deleted.

Year.	No.	Short title.	Extent of modification.
1	2	3	4
			(14) In section 118, after the word "alienated" wherever it occurs the words "or taluqdari" shall be inserted. (15) In section 136, sub-section (*1*), after the words "alienated land" the words "or taluqdari land" shall be inserted. (16) In section 150,— (i) in clause (*b*), after the words "alienated holding" the words "or taluqdari land" shall be inserted; (ii) in clause (*f*), after the words "alienated holding" the words "or any taluqdari land" shall be inserted. (17) In section 153, after the words "alienated holding" wherever they occur, the words "or any taluqdari land" shall be inserted. (18) In section 159, after the word "holding" the words "or land" shall be inserted. (19) In section 181, after the words "or alienated holding" the words "or any taluqdari land" shall be inserted. (20) In section 214, in clause (*d*) of sub-section (*2*), after the words "unalienated land" the words "or taluqdari land" shall be inserted. (21) In section 216, sub-section (*1*), after the words "alienated shares of villages" the words "and villages or shares of villages comprised in taluqdari estates" shall be inserted. (22) In section 217, after the words "alienated village" the words "or a village or the share of a village comprised in a taluqdari estate" shall be inserted. (23) In section 218, after the word "alienated" wherever it occurs the words "or taluqdari" shall be inserted.

SCHEDULE II.

(*See* section 17.)

Enactments repealed.

Year.	No.	Short title.	Extent of repeal.
	2	3	4
1862	... VI	The Ahmedabad Taluqdars Act, 1862.	The whole Act.
1881	... XXI	The Broach and Kaira Incumbered Estates Act, 1881.	The whole Act.
1888	... VI	The Gujarat Taluqdars' Act, 1888.	The whole Act.

THE PANCH MAHALS MEHWASSI TENURE ABOLITION ACT, 1949.

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SCHEDULE.

BOMBAY ACT No. LXIII OF 1949[1].

[THE PANCH MAHALS MEHWASSI TENURE ABOLITION ACT, 1949.]

[*24th January 1950*]

An Act to abolish Mehwassi tenure in the Kalol taluka in the district of Panch Mahals.

WHEREAS it is expedient to abolish the Mehwassi tenure prevailing in certain villages in the Kalol taluka in the district of Panch Mahals in the Province of Bombay and to provide for certain consequential and incidental matters hereinafter appearing; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Panch Mahals Mehwassi Tenure Abolition Act, 1949.

(*2*) It extends to the district of Panch Mahals in the Province of Bombay.

(*3*) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, direct.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Mehwassi village" means a village specified in the Schedule appended to this Act;

(*2*) "Mehwasdar" means a holder of a Mehwassi village; and

(*3*) "Mehwassi lease" means a lease or agreement under which a Mehwassi village is held from the Provincial Government.

Abolition of Mehwassi tenure.

3. With effect from and on the date on which this Act comes into force,—

(*a*) the Mehwassi tenure in the villages specified in the Schedule shall be deemed to have been abolished;

(*b*) the agreements or leases, subject to the terms and conditions of which the said villages have been held, shall be deemed to have been cancelled; and

(*c*) all the incidents of the said tenure attaching to any land in the said villages shall be deemed to have been extinguished.

Mehwasdar and registered occupant to be occupant.

4. (*1*) (*a*) Every Mehwasdar in respect of the land in his possession in a Mehwassi village under a Mehwassi lease, and

(*b*) every registered occupant in respect of the land in his possession in a Mehwassi village,

immediately before the date on which this Act comes into force shall, notwithstanding the fact that the period specified in the Mehwassi lease for the continuance thereof has not expired, be deemed to be an occupant within the meaning of the Bombay Land Revenue Code, 1879, in respect of such land in his possession and shall be primarily liable to the Provincial Government for the payment of land revenue due in respect of such land and shall be entitled to all rights and shall be liable to all the obligations in respect of such land as an occupant under the said Code or any other law for the time being in force.

Bom. V of 1879.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, Part V, pp. 267-68.

(2) Nothing in sub-section (1) shall affect the right of any person to hold any land wholly or partially exempt from land revenue under a special contract other than a Mehwassi lease or any law for the time being in force.

Waste lands and other property specified in section 37 of Bombay Land Revenue Code vests in Crown.

5. For the removal of doubt, it is hereby declared that all waste lands whether assessed or unassessed in a Mehwassi village and all other kinds of property referred to in section 37 of the Bombay Land Revenue Code, 1879, situate in a Mehwassi village, which are not the property of the individuals, or of any aggregate of persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be otherwise provided in any law for the time being in force, are together with all rights in or over the same or appertaining thereto, the property of the Crown and it shall be lawful to dispose of or set apart the same by the authority and for the purpose provided in section 37 or 38 of the said Code, as the case may be. Bom. V of 1879.

Compensation payable to Mehwasdar or any person for extinguishment or modification of any rights.

6. (1) If a Mehwasdar or any other person is aggrieved by any of the provisions of this Act as extinguishing or modifying his rights under a Mehwassi lease or in land and if such Mehwasdar or other person proves that such extinguishment or modification amounts to the transference to public ownership of any land or any right in or over such land, such person may apply to the Collector for compensation.

(2) Such application shall be made in the prescribed form within six months from the date on which this Act comes into force.

(3) The Collector shall after holding a formal inquiry in the manner prescribed by the Bombay Land Revenue Code, 1879, award such compensation as he deems reasonable and adequate: Bom. V of 1879.

Provided that the amount of compensation for the cancellation of a Mehwassi lease shall not exceed the maximum of the average of the amount of the total or partial exemption of land revenue and profits from unassessed waste land to which the Mehwasdar was entitled under the Mehwassi lease in respect of his village during three years immediately before the date on which this Act comes into force:

Provided further that in the case of the extinguishment or modification of any other right of a Mehwasdar or any other person the Collector shall be guided by the provisions of sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894. I of 1894.

(4) Subject to the provisions of sub-section (5), the award of the Collector shall be final.

(5) Any person aggrieved by the award of the Collector may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939. Bom. XII of 1939.

(6) In deciding appeals under sub-section (5), the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908. V of 1908.

Limitation.

7. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal. IX of 1908

VII of 1870. **8.** Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed by rules made under this Act. Court fees.

9. The Provincial Government may, by notification in the *Official Gazette*, make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication. Rules.

SCHEDULE.

[*See* section 2(*1*).]

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5. Bhelidra.
6. Bhukhi.
7. Bodidra.
8. Chalali.
9. Gajapura.
10. Kahanpur.
11. Kanod.
12. Karoli.
13. Mokal.
14. Naranpura.
15. Paruna.
16. Phansi.
17. Pingli.
18. Rinchhia.
19. Royan.
20. Vyasdá.
21. Vintoj.

THE MAHARAJA SAYAJIRAO UNIVERSITY OF BARODA ACT, 194.

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BARODA ACT No. XVII OF 1949.

[THE MAHARAJA SAYAJIRAO UNIVERSITY OF BARODA ACT, 1949.]

[*30th April 1949*]

Amended by the Baroda State (Application of Laws) Order, 1949.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 52 of 1950.

" " " 8 of 1951.

" " " 9 of 1951.

An Act to establish and incorporate a teaching and residential University at Baroda known as the Maharaja Sayajirao University of Baroda.

WHEREAS it is expedient to establish and incorporate a teaching and residential University at Baroda having also powers of affiliation for that purpose, the Government of Baroda is pleased to enact as follows :— Preamble.

CHAPTER I.

PRELIMINARY.

1. (*a*) This Act may be called " The Maharaja Sayajirao University of Baroda Act, 1949 ". Title.

(*b*) This section shall come into force at once.

(*c*) The Government may, by notification in the *Official Gazette*, direct that all or any of the remaining provisions[1] of this Act shall come into force on such date or dates as may be specified in the notification.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) ' Act ' means the Maharaja Sayajirao University of Baroda Act, 1949 ;

(*b*) ' affiliated college ' means a college affiliated under sections 5 and 36 ;

(*c*) ' constituent college ' means a University college or an affiliated college made constituent under section 42 ;

(*d*) ' Fellow ' means a member of the Senate, whether *ex-officio*, nominated or elected under the provisions of this Act, but does not include an Honorary Fellow ;

(*e*) ' Government ' means [2][the Government of Bombay] ;

(*f*) ' hostel ' means a unit of residence for students maintained or recognised by the University under this Act ;

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[1] Sections 2 to 4 and 6 to 71 were brought into force from 30th April 1949 and section 5 was brought into force from 1st April 1950 (*vide* Baroda Government L. R. O., Notification No. 41/1949, dated the 30th April 1949 and G. N., P. & S. D., No. 9003, dated the 15th March 1950).

[2] These words were substituted for the words " the Government of Baroda or any other authority that takes its place " by the Baroda State (Application of Laws) Order, 1949, clause 10.

(*g*) 'Head of department' means a professor or teacher principally responsible for instruction, training or research in a subject, or group of subjects, which is called [1][a University department];

[2][(*ga*) 'intermediate college' means a constituent or affiliated college other than a degree college;

(*gb*) 'prescribed' means prescribed by Statutes or Ordinances;]

(*h*) 'Principal' means the Head of a college by whatever name or style described;

(*i*) 'recognised institution' means any institution for instruction, training or research in specialised studies other than constituent or affiliated college, and recognised as such by the University;

(*j*) 'registered graduate' means a graduate registered under the provisions of this Act;

[3][(*ja*) 'secondary school' means a high school which has been recognised as a full fledged high school by the Director of Public Instruction, Bombay State, or by an officer authorised by him in this behalf;

(*jb*) 'secondary teachers' means such class of teachers imparting instruction in secondary schools as may be declared to be secondary teachers by the Statutes;]

(*k*) 'Statutes' and 'Ordinances' mean, respectively, the Statutes and Ordinances made under this Act and for the time being in force;

[4][(*l*) 'teacher' means a professor, a reader, a lecturer, imparting instruction or giving training or guidance in research in the University, a University college, an affiliated college or a recognised institution, or any other person declared or recognised to be a teacher by the Statutes;]

(*m*) 'teachers of the University' means teachers appointed or recognised by the University for imparting instruction on its behalf;

(*n*) 'University' means the Maharaja Sayajirao University of Baroda;

(*o*) 'University Area' means the area specified in Schedule I;

(*p*) 'University college' means a college transferred to the University under section 69, or a college which the University may hereafter establish or maintain under this Act; or a college which the University may take over and maintain under this Act;

(*q*) 'University Department' means any department [5][for studies or research] maintained by the University [6]* * * * *

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[1] These words were substituted for the words "a department in a College" by Bom. 52 of 1950, s. 2 (*a*).

[2] These clauses were inserted, *ibid.*, s. 2 (*b*).

[3] These clauses were inserted, *ibid*, s. 2 (*c*).

[4] This clause was substituted for the original, *ibid*, s. 2 (*d*).

[5] These words were inserted, *ibid*, s. 2 (*e*).

[6] The words and figures beginning with "and includes" and ending with "for research" were deleted, *ibid.*

CHAPTER II.

THE UNIVERSITY.

3. (*1*) The Chancellor, the Vice-Chancellor, the Pro-Vice-Chancellor, if any, the Rector, if any, the first Fellows of the Senate and the first members of the Syndicate of the University, and all persons who may hereafter become such officers, or Fellows, or members, so long as they continue to hold such office or fellowship or membership, are hereby constituted a body corporate by the name of the "The Maharaja Sayajirao University of Baroda". Incorporation of the University.

(*2*) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(*3*) The University shall be competent to acquire and hold property, both moveable and immovable, to lease, sell, mortgage or otherwise transfer any moveable or immovable property belonging to, vested in, or acquired by the University, for any purpose of the University, and to contract, and do all other things for the purposes of this Act.

4. Subject to such conditions as may be prescribed by or under the provisions of this Act, the University shall have the following powers, namely :— Powers of the University.

(*1*) to provide for instruction, teaching and training in such branches of learning and courses of study as the University may, from time to time, think fit or prescribe, and to make provision for research and for the advancement and dissemination of knowledge ;

(*2*) to make special provision for the spread of university education among classes and communities which are educationally backward ;

(*3*) to organize, control and co-ordinate the programme of teaching and research and other activities of the University, whether carried on in constituent colleges or in University Departments or in recognised institutions and to organize common laboratories, libraries, museums and other equipment for teaching and research ;

(*4*) to establish, maintain and manage [1][colleges, departments or practising schools and institutions attached to colleges, departments or schools for the purpose of practical work, experiment, research or preparatory instruction] ;

(*5*) to grant such diplomas to, and to provide such lectures, instruction and training for persons not being enrolled students of the University as the University may determine by the Statutes and Ordinances ;

(*6*) to institute professorships, readerships, lecturerships and any other posts required by the University and to appoint or recognize suitable and qualified persons for such posts ;

(*7*) to [2][institute and confer] degrees, [3]*, [4][diplomas, certificates and] other academic distinctions on persons who have carried out a prescribed course of study, research or training, unless exempted therefrom in the manner prescribed by the Statutes and Ordinances, and have passed such tests or examinations as may have been prescribed ;

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[1] These words were substituted for the words "colleges and departments" by Bom. 52 of 1950, s. 3 (*a*).

[2] These words were substituted for the word "institute", *ibid*, s. 3 (*b*).

[3] The word "title" was deleted, *ibid*.

[4] These words were substituted for the words "diplomas and", *ibid*.

(*8*) to confer [1][honorary degrees] and other academic distinctions on persons who may have distinguished themselves, in any branch of learning, or by eminent public service [2][, in the manner laid down by the Statutes];

(*9*) to withdraw or cancel degrees, diplomas, certificates or other distinctions from persons on whom the University may have conferred such degrees, diplomas, certificates or other distinctions, in accordance with such procedure as may be prescribed by the Statutes;

[3][(*10*) to hold either examinations or tests or both as prescribed by the Ordinances;

(*11*) to affiliate or recognise educational institutions;]

(*12*) to inspect colleges and recognized institutions and to take measures to ensure that proper standards of instruction, [4][training or research] are maintained in them;

(*13*) to hold, accept and manage trusts and endowments, and to utilise the proceeds or income thereof in such manner as may have been provided in a deed of trust or donation, or regulated by Statute, or defined by agreement by the University;

(*14*) to control and co-ordinate the activities of, and give financial aid to affiliated colleges and recognised institutions;

(*15*) to institute and award fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes;

(*16*) to control the conduct and discipline of students of the University, to provide for and to supervise and control their residence, and to make arrangements for promoting their moral and physical welfare;

(*17*) to establish, maintain and manage hostels;

(*18*) to recognize hostels, not maintained by the University, to inspect such hostels and to withdraw recognition therefrom;

(*19*) to make provisions for the maintenance of—

(*a*) University Battalions in the National Cadet Corps or similar training corps,

(*b*) University Sports and Athletic Clubs,

(*c*) Students' Unions,

(*d*) Students' Advisory Bureau for studies abroad,

(*e*) Employment Bureau,

(*f*) Publication Board, and

(*g*) any other organisation relating to and promoting the general welfare and cultural advancement of students, past or present, of the University;

(*20*) to organise and promote games and sports of all kinds;

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[1] These words were substituted for the words beginning with "according to" and ending with "titles" by Bom. 52 of 1950, s. 3 (*c*).

[2] These words were added, *ibid.*

[3] These clauses were substituted for the original, *ibid.* s. 3 (*d*).

[4] These words were substituted for the words "teaching or training", *ibid*, s. 3 (*e*).

(*21*) to co-operate with other universities, bodies, authorities, or associations, in or outside the University Area, which may have been formed for the advancement of learning, science or research, or for the dissemination of knowledge, or for the physical and moral welfare of students, in such manner and for such purpose as the University may determine ;

(*22*) to fix, to demand and to receive such fees and other charges as may be prescribed by the Ordinances ;

(*23*) to make special provision for disseminating knowledge and promoting arts and culture in rural areas ;

(*24*) to organise extra-mural studies ;

(*25*) to do all such acts and things whether incidental to the powers aforesaid or not as may be requisite in order to further the objects of the University and generally to cultivate and promote arts, science, learning, and culture.

Jurisdiction and admission to privileges.

5. (*1*) No educational institution situate within the University Area shall, save with the consent of the University and the sanction of Government, be associated in any way with, or seek admission to any privileges of, any other university established by law.

(*2*) Any such privileges enjoyed from such other university, before the date on which this section comes into force by any educational institution situate within the University Area, shall be deemed to be withdrawn with effect from such date.

(*3*) With effect from such date all educational institutions admitted to the privileges of the University of Bombay and situate within the University area shall be deemed to be admitted to the privileges of the University, and the University shall, as far as may be possible and consistent with this Act, admit such institutions to all such privileges as they had from the University of Bombay immediately before such date.

University open to all irrespective of sex, religion, class, creed or opinion.

6. (*1*) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma, [1]* or other academic distinction or course of study [2][in the University, affiliated colleges or recognised institutions] on the sole ground of sex, race, creed, class, religious belief or political or other opinion :

Provided that the University may, subject to the previous sanction of the Government, maintain, affiliate or recognize any institution exclusively for women or reserve for women places for the purposes of admission as students in any institution maintained by the University.

(*2*) It shall not be lawful for the University to impose on any person any [3][restriction on the ground of] sex, race, creed, class, religious belief or profession of political or other opinion, in order to entitle him to be admitted as a teacher or a student, or to hold any office or post in the University, or to qualify for any degree, diploma, [4]* or other academic distinction, or to enjoy or exercise any privileges of the University, or any benefaction thereof.

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[1] The word "title" was deleted by Bom. 52 of 1950, s. 4 (*i*).

[2] These words were inserted, *ibid.*

[3] These words were substituted for the words "test whatsoever relating to", *ibid*, s. 4 (*ii*) (*a*).

[4] The word "title" was deleted, *ibid*, s. 4 (*ii*) (*b*).

Inspection and inquiry.

7. (*1*) The Chancellor shall have the right to cause an inspection to be made by such person or persons, as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipment, of any institution, college or hostel, maintained, recognised by or affiliated to, the University, of the teaching and other work conducted by the University, and of the conduct of examinations held by the University; and to cause an inquiry to be made in respect of any matter connected with the University. The Chancellor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to be represented thereat.

(*2*) The Chancellor shall communicate to the [1][University along with his view thereon] the results of such inspection or inquiry, and shall, after ascertaining the opinion of the Senate and the Syndicate thereon advise the University on the action to be taken.

(*3*) The [2][University] shall report to the Chancellor such action, if any, as it has taken or may propose to take upon the results of the inspection or inquiry. Such report shall be submitted with the opinion of the [3][University] thereon and within such time as the Chancellor may direct.

(*4*) Where the [2][University] does not within a reasonable time take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the [2][University], issue such directions as he may think fit and the [2][University] shall comply with such directions.

(*5*) The Government may, whenever it deems fit, cause a like inspection or inquiry to be made in the manner described in sub-sections (*1*) to (*3*) and shall have, for the purposes of such inspection or inquiry, all the powers of the Chancellor under the said sub-sections.

CHAPTER III.

Officers [4][and Authorities] of the University.

Officers of the University.

8. The following shall be the officers of the University, namely :—

(*i*) The Chancellor,

(*ii*) The Vice-Chancellor,

(*iii*) The Pro-Vice-Chancellor, if any,

(*iv*) The Rector, if any,

(*v*) The Deans of Faculties,

[5] * * * *

[6] (*vi*) The Registrar, the Librarian, and the Curator, and

[6] (*vii*) such other officers in the service of the University as may be declared by the Statutes to be officers of the University.

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[1] These words were substituted for the words "Senate and to the Syndicate his view with reference to" by Bom. 52 of 1950, s. 5 (*i*).
[2] This word was substituted for the word "Syndicate", *ibid*, s. 5.
[3] This word was substituted for the word "Senate", *ibid*.
[4] These words were inserted, *ibid*, s. 6.
[5] The brackets, figures and words "(*vi*) The Teachers of the University" were deleted, *ibid*, s. 7.
[6] The original clauses (*vii*) and (*viii*) were renumbered as clauses (*vi*) and (*vii*), *ibid*.

9. (*1*) Until otherwise determined by the Statutes His Highness the Maharaja of Baroda shall be the Chancellor of the University. **Chancellor.**

(*2*) The Chancellor shall, by virtue of his office, be the Head of University, and shall, when present, preside at any convocation of the University.

(*3*) The Chancellor shall have such powers and duties as may be conferred upon him by this Act or the Statutes.

10. (*1*) Subject to the confirmation of the [1][Government], the Vice-Chancellor shall be elected by the Senate from a panel of three persons recommended by the Syndicate. **Vice-Chancellor.**

(*2*) The Vice-Chancellor [2]* * * * * shall hold office for a term of three years. Subject to the provision of sub-section (*1*), he may be re-elected to that office for a further period of three years only.

[3][(*2A*) Where any temporary vacancy in the office of the Vice-Chancellor occurs by reason of leave, illness or other cause, and none of the offices of the Pro-Vice-Chancellor and the Rector has been filled up, the Syndicate shall, as soon as possible, subject to the approval of Government, make such arrangements for carrying out the duties of the office of the Vice-Chancellor as it thinks fit. Until such arrangements are made, the Dean nominated by the Syndicate for that purpose shall carry on the current duties of the office of the Vice-Chancellor.]

(*3*) The emoluments to be paid to the Vice-Chancellor, and the terms and conditions subject to which he shall hold office, shall be such as may be prescribed by the Statutes : provided that such emoluments, or such terms and conditions, shall not, during the currency of the term of any holder of that office, be varied to his disadvantage without his consent.

11. (*1*) The Vice-Chancellor shall be the principal executive and academic officer of the University, and shall preside, at all the meetings of the Senate, and, in the absence of the Chancellor, at any convocation of the University. **Powers of the Vice-Chancellor.**

(*2*) The Vice-Chancellor shall be an *ex-officio* member and chairman of the Syndicate and of the Council of Post-graduate Studies and Research.

(*3*) The Vice-Chancellor shall have power to convene meetings of the Senate, the [4][Syndicate,] the Council of Post-graduate Studies and Research, [5][other authorities of the University and committees appointed under sections 48 and 49].

(*4*) It shall be the duty of the Vice-Chancellor to ensure that this Act, the Statutes and Ordinances are faithfully observed and he shall be responsible [6][for the proper administration] of the University in accordance therewith, and he shall have all powers necessary for these purposes.

(*5*) (*a*) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, he shall take such action as he deems necessary, and shall at the earliest opportunity thereafter report his action to such officer, authority or body as would have in the ordinary course dealt with the matter.

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[1] This word was substituted for the word "Chancellor" by Bom. 52 of 1950, s. 8 (*i*).

[2] The words "shall be a full-time Officer, and" were deleted, *ibid*, s. 8 (*ii*).

[3] This sub-section was inserted, *ibid*, s. 8 (*iii*).

[4] This word was substituted for the words "Syndicate, and", *ibid*, s. 9 (*i*).

[5] These words and figures were added, *ibid*.

[6] These words were substituted for the words "for the discipline", *ibid*, s. 9 (*ii*).

(*b*) When action taken by the Vice-Chancellor under this sub-section affects any person in the service of the University, such person shall be entitled to prefer an appeal through the said officer, authority or body to the Syndicate, within fifteen days from the date on which such action is communicated to him.

(*6*) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes and Ordinances.

Filling office of Pro-Vice-Chancellor or Rector.

[1][**11A.** The Senate may decide to fill the office of either the Pro-Vice-Chancellor or the Rector, or to keep either or both the offices vacant.]

Pro-Vice-Chancellor.

12. (*1*) [2][If] the Senate decides to fill the office of the Pro-Vice-Chancellor, [3][the Pro-Vice-Chancellor shall] be elected by the Senate from a panel of three persons recommended by the Syndicate, and shall hold office for a term of three years. [4][The Pro-Vice-Chancellor may either be a salaried or an honorary officer.]

(*2*) The Pro-Vice-Chancellor shall, in the absence of the Vice-Chancellor, or in the event of his being unable to perform the duties of his office, exercise all the rights and powers and discharge all the functions and duties of the Vice-Chancellor.

Rector.

13. [5](*1*) [6][If] the Senate decides to fill the office of the Rector, [7][the Rector shall] be elected by the Senate from a panel of three persons recommended by the Syndicate and shall hold office for a term of three years. He shall be a full time officer, and his [8][emoluments,] powers and duties shall [9][subject to sub-section (*2*)] be such as may be prescribed by Statutes : provided that no change is made in the terms of his appointment during the currency of the period of his appointment to his disadvantage without his consent.

[10][(*2*) The Rector shall, in the absence of the Vice-Chancellor or in the event of the Vice-Chancellor being unable to perform the duties of his office, exercise all the rights and powers and discharge all the functions and duties of the Vice-Chancellor.]

Registrar.

14. (*1*) The Registrar shall be a wholetime salaried officer and shall hold office for a term of five years and shall be eligible for reappointment. He shall be responsible for the day-to-day administration of the University under the direction of the Vice-Chancellor. He shall act as the Secretary of the Senate, of the Syndicate, of the Council of Post-graduate Studies and Research; of the Faculties, and of such other authorities of the University as may be prescribed by the Statutes.

(*2*) All contracts and assurances of property made by or in favour of the University shall be executed on behalf of the University by the Registrar.

(*3*) The Registrar shall act and appear on behalf of the University in a suit or proceeding by or against the University.

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[1] This section was inserted by Bom. 52 of 1950, s. 10.

[2] This word was substituted for the word "Whenever", *ibid*, s. 11.

[3] These words were substituted for the words "he shall", *ibid*.

[4] These words were substituted for the words "The Pro-Vice-Chancellor shall be an honorary officer", *ibid*.

[5] The original section 13 was renumbered as sub-section (*1*) of the said section, *ibid*, s. 12 (*1*).

[6] This word was substituted for the word "Whenever", *ibid*, s. 12 (*1*) (*a*).

[7] These words were substituted for the words "he shall", *ibid*.

[8] This word was inserted, *ibid*, s. 12 (*1*) (*b*).

[9] These words, brackets and figures were inserted, *ibid*, s. 12 (*1*) (*c*).

[10] This sub-section was added, *ibid*, s. 12 (*2*).

(*4*) The Registrar shall be the custodian of the records, libraries, common seal and such other properties of the University as the [1][Syndicate may] commit to his charge.

(*5*) The Registrar shall be responsible for the safe custody of all documents, titles, [2][securities and] properties entrusted to him in the ordinary course of his duties, until they are deposited in a bank.

(*6*) The Registrar shall exercise such powers and perform such duties as may be prescribed by the Statutes and Ordinances.

15. The powers and duties of the Curator, Librarian, and officers of the University referred to in [3][clause (vii)] of section 8 shall be such as may be prescribed by the Statutes and Ordinances. Other officers.

16. The following shall be the authorities of the University, namely :— Authorities of the University.

(*i*) The Senate,

(*ii*) The Syndicate,

(*iii*) [4]* Faculties,

(*iv*) The Council of Post-graduate Studies and Research,

(*v*) [4]* Boards of Studies, and

(*vi*) such other bodies of the University as may be declared by the Statutes to be authorities of the University.

17. The Senate shall be the supreme governing body and authority of the University. The Senate to be the supreme authority.

18. [5](*1*) The Senate shall consist of the following Fellows :— The Senate.

CLASS I—*Ex-Officio Fellows.*

(A) (*i*) The Chancellor,

(*ii*) The Vice-Chancellor,

(*iii*) The Ex-Vice-Chancellors of the University,

(*iv*) The Pro-Vice-Chancellor, if any,

(*v*) The Rector, if any,

(*vi*) [6][Vice-Chancellors] for the time being of the [7][universities established by law in the State of Bombay],

[8][(*vii*) All the Trustees of Sir Sayajirao Diamond Jubilee and Memorial Trust,]

(*viii*) The Registrar.

[9][(A1) (*i*) The Chief Justice of Bombay or any other judge of the High Court, Bombay, nominated by him ;

(*ii*) The Minister of Education of the Government of Bombay or any person nominated by him.]

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[1] These words were substituted for the words "Syndicate shall" by Bom. 52 of 1950, s. 13 (*a*).

[2] These words were substituted for the words "security of", *ibid.*, s. 13 (*b*).

[3] The word, brackets and figures "clause (vii)" were substituted for the word, brackets and figures "clause (viii)" by Bom. 9 of 1951, s. 3, Second Schedule.

[4] The word "The" was deleted, by Bom. 52 of 1950, s. 14.

[5] The original section 18 was renumbered as sub-section (*1*) of the said section, *ibid*, s. 15.

[6] These words were substituted for the words "The Vice-Chancellor", *ibid.*, s. 15 (*1*) (*a*).

[7] These words were substituted for the words "University of Bombay", *ibid.*

[8] This clause was substituted for the original, *ibid.*

[9] This paragraph was inserted, *ibid.*, s. 15 (*1*) (*b*).

(B) [1][(*i*) Deans of Faculties],

(*ii*) Principals of the [2]* * affiliated colleges,

(*iii*) Heads of recognised institutions,

(*iv*) [3][nominees of Government representing the following departments] :—

(1) Education,

[4][(1*a*) Technical Education,]

[5][(2) Medical or Public Health,]

(3) Public Works,

(4) Agriculture,

(5) Industry [6]* * *.

CLASS II—*Ordinary Fellows.*

[7][(A) Elected as specified below] :—

[8][(*i*) One teacher from each of the Faculties elected by the teachers of subjects comprised under each Faculty.

(*ia*) One teacher from each of the affiliated colleges and recognised institutions to be elected by the teachers in each college or institution, as the case may be.]

[9][(*ii*) Five representatives to be elected by registered graduates qualified to vote under the Statutes, such representatives being persons not engaged in the profession of teaching.]

(*iii*) [10]* * * * * * *.

(*iv*) One member to be elected from the Municipality of Baroda in accordance with [11][the Statutes].

[12][(*v*) Three representatives to be elected by the Federation of Gujarat Mills and Industries, Baroda, from amongst its members in accordance with the Statutes :

Provided that if any such member be an undivided Hindu family, trust, firm, company or body corporate, a representative nominated in this behalf by such undivided Hindu family, trust, company or body corporate shall be deemed to be a member of the Federation for the purpose of this clause.

(*vi*) One representative to be elected by the Heads of secondary schools in the University Area from amongst such Heads.

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[1] This clause was substituted for the original clause (*i*) by Bom. 8 of 1951, s. 2.
[2] The words "University and" were deleted by Bom. 52 of 1950, s. 15 (*1*) (*c*).
[3] These words were substituted for the words beginning with "Heads of" and ending with" by Government", *ibid.*
[4] This entry was inserted, *ibid.*
[5] This entry was substituted for the original, *ibid.*, s. 15 (*1*) (*c*).
[6] The words "and Commerce" were deleted, *ibid.*
[7] This portion was substituted for the words "Elected as specified below", *ibid.*, s. 15 (*2*) (*a*).
[8] These clauses were substituted for the original clause (A) (*i*), *ibid.*, s. 15 (*2*) (*b*).
[9] This clause was substituted for the original, *ibid.*, s. 15 (*2*) (*c*).
[10] Clause (*iii*) was deleted, *ibid.*, s. 15 (*2*) (*d*).
[11] These words were substituted for the words "the Ordinances made in this behalf", *ibid.*, s. 15 (*2*) (*e*).
[12] Clauses (*v*) to (*ix*) were substituted for the original clauses (*v*) and (*vi*), *ibid.*, s. 15 (*2*) (*f*).

(*vii*) One representative to be elected by secondary teachers in the University Area from amongst such teachers, such representative not being a head of a secondary school.

(*viii*) One representative to be elected by the members of the Bombay Legislative Assembly from amongst its members.

(*ix*) One representative to be elected by registered trade unions in the University Area designated by the Statutes, from amongst their members :

Provided that every person elected under clause (*i*), (*ia*), (*iv*), (*v*), (*vi*), (*vii*), (*viii*) or (*ix*) shall continue to hold the office of a Fellow only so long as he is a member of the electing body.]

[1][(B) Nominated as specified below :—

(*i*) Thirty persons to be nominated by Government.

(*ii*) (*a*) One person to be nominated by each donor giving to or for the purposes of the University a donation of money or property of the value of not less than one lakh of rupees ;

(*b*) if the donor is an individual, for the purpose of nominating, the name of each such donor shall be enrolled on the register maintained by the University ;

(*c*) if the donor is an undivided Hindu family, trust, firm, company or body corporate, for the purpose of nominating, the name of the representative nominated from time to time by each such undivided Hindu family, trust, firm, company or body corporate shall be enrolled on the register maintained by the University :

Provided that the right of making such nomination shall not extend beyond the period of twenty years from the date of the acceptance by the Syndicate of such donation and the tenure of the office of the nominee shall not exceed five years.

Explanation I.—For the purposes of clause (*i*) of paragraph (A) a teacher does not include a Principal of a college or the Head of an institution.

Explanation II.—For the purposes of clause (*ii*) of paragraph (B) the value of the property means the market value of the property on the date of acceptance of the donation by the Syndicate.]

[2][(2) Any person who is appointed as a representative of the University by virtue of his being a Fellow shall cease to be such representative on his ceasing to be a Fellow.]

19. The term of office of Ordinary Fellows shall, save as herein otherwise provided, be five years. **The term of office of Ordinary Fellows.**

20. If for a period of two consecutive years any Ordinary Fellow has not, for any reason whatsoever, attended a meeting of the Senate, other than a convocation, the Chancellor may declare his office to be vacant. **Office of Fellow to be vacant.**

[1] This paragraph and the Explanations I and II were substituted for the original paragraph (B and the Explanation, by Bom. 52 of 1950, s. 15 (2) (*g*).

[2] This sub-section was inserted by Bom. 52 of 1950, s. 15 (2) (*h*).

Meeting of the Senate.

21. (*1*) The Senate shall meet at least once a year on any date fixed by the Vice-Chancellor, to be called the annual meeting of the Senate.

(*2*) The Vice-Chancellor may call any other meeting of the Senate whenever he thinks fit, and shall, upon a requisition in writing signed by not less than fifteen Fellows, convene a special meeting of the Senate.

Powers and duties of the Senate.

22. (*1*) Subject to the provisions of this Act, the Senate shall exercise the following powers and perform the following duties :—

(*i*) to make provision for instruction, guidance in research, and practical training in such branches of learning as it may think fit for the advancement of learning, dissemination of knowledge, improvement of technical skill, and to make the necessary financial provision therefor ;

(*ii*) to make such provision for prescribing courses of studies, training or research as will enable the University Departments, University and affiliated colleges, and recognised institutions to undertake instruction, training or research ;

(*iii*) to institute professorships, readerships, lecturerships or other classes of teachers required by the University ;

(*iv*) to organise and make provision for common libraries, laboratories, museums, and all other equipment for teaching and research ;

(*v*) to establish and maintain University Departments, colleges and institutes of research and specialized studies ;

(*vi*) to institute [1]* * fellowships, travelling fellowships, scholarships and research studentships, exhibitions, medals, and prizes ;

(*vii*) to institute and confer degrees, [2]* diplomas and other academic distinctions ;

(*viii*) to confer, on the recommendation of the Syndicate, honorary degrees, [2]* or other academic distinctions ;

(*ix*) to provide and maintain hostels [3]* * * for the residence of students ;

(*x*) to make, amend or repeal Statutes ;

(*xi*) to consider, cancel or refer back, but not amend, Ordinances ;

(*xii*) to consider and pass resolutions on the annual administration report and annual accounts ;

(*xiii*) to make Statutes for regulating the procedure at meetings of the Senate, and the Syndicate, and the transaction of their business ;

(*xiv*) to consider and pass [4][resolutions] on the financial estimates prepared by the Syndicate ;

(*xv*) to elect the members of the Syndicate, and the Council of Post-graduate Studies and Research, [5][and other authorities and officers, as provided in this Act or Statutes] ;

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[1] The words "and award" were deleted by Bom. 52 of 1950, s. 16 (*a*).

[2] The word "title" was deleted, *ibid.*, s. 16 (*b*).

[3] The words "and to supervise other places" were deleted, *ibid.*, s. 16 (*c*).

[4] This word was substituted for the word "resolution" by Bom. 9 of 1951, s. 3, Second Schedule.

[5] These words were added by Bom. 52 of 1950, s. 16 (*d*).

(*xvi*) to admit educational institutions to the privileges of the University and to withdraw such privileges ;

(*xvii*) to exercise such other powers and discharge such other duties and perform such other functions as may be conferred, imposed upon it, or entrusted to it by this Act or the Statutes or Ordinances ;

(*2*) The powers and duties under clauses (*i*) to (*xii*) of sub-section (*1*) shall not be exercised except upon the recommendations made by the Syndicate.

Syndicate.

23. (*1*) The Syndicate shall be the executive authority of the University.

(*2*) The Syndicate shall consist of—

(*i*) The Vice-Chancellor, *ex-officio ;*
(*ii*) The Pro-Vice-Chancellor (if any), *ex-officio ;*
(*iii*) The Rector (if any), *ex-officio.*

[1][(*iv*) the nominee of Government appointed under section 18 representing the Education Department ;

(*v*) seven persons to be elected by the Senate in accordance with the Statutes from amongst the Fellows, such persons not being teachers ;

(*vi*) two Deans to be elected by the Senate from amongst the Deans in accordance with the Statutes ;

(*vii*) three teachers who are Fellows to be elected by the Faculties in accordance with the Statutes : provided that such teachers represent three Faculties other than the Faculties represented by the Deans elected under clause (*vi*) above.]

(*3*) The term of office of the elected members of the Syndicate, save as herein otherwise provided shall be [2][three] years.

(*4*) [3]* * * * * * * * * * * * * *

(*5*) If for any reason whatsoever the elected member remains absent from four consecutive ordinary meetings of the Syndicate he shall vacate his seat in the Syndicate.

Powers and duties of the Syndicate.

24. (*1*) Subject to such conditions as may be prescribed by or under the provisions of this Act, the Syndicate shall exercise the following powers and perform the following duties, namely :—

(*i*) to control and administer the properties of the University and the University [4][Fund] and to keep and maintain proper accounts of the same ;

(*ii*) to enter into, vary, carry out, and cancel contracts on behalf of the University in the exercise or performance of the powers and duties assigned to it by the Act and the Statutes ;

(*iii*) to determine the form and provide for the custody and regular use of the common seal of the University ;

(*iv*) to administer the funds placed at the disposal of the University for specific purposes and to keep and maintain proper accounts of the same ;

(*v*) to frame the annual financial [5][estimates] of the University and to submit them to the Senate ;

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[1] Clauses (*iv*) to (*vii*) were substituted for the original clauses (*iv*) and (*v*), by Bom. 52 of 1950, s. 17 (*a*).
[2] This word was substituted for the word "two", *ibid*, s. 17 (*b*).
[3] Sub-section (*4*) was deleted, *ibid*, s. 17 (*c*).
[4] This word was substituted for the words "and Trust Funds", *ibid*, s. 18 (*a*).
[5] This word was substituted for the word "estimate" by Bom. 9 of 1951, s. 3, Second Schedule.

(*vi*) to erect, equip and maintain [1][colleges and research institutes], libraries, laboratories, museums, hostels, gymnasia, playgrounds, and structures needed for carrying on the work of the University :

(*vii*) to provide suitable equipment, apparatus or furniture and other appliances needed for carrying on the work of the University ;

(*viii*) to accept on behalf of the University bequests, donations and transfers of any moveable or immovable property to the University, and to receive and collect fees, grants and interests due to the University, and to make all payments on behalf of the University ;

(*ix*) to transfer any moveable or immovable property on behalf of the University ;

(*x*) to manage and regulate the finances, accounts and investments of the University ;

(*xi*) to make arrangements for the maintenance of the University Battalions in the National Cadet Corps or similar Training Corps, Students' Unions, University or Atheletic Clubs, Employment Bureau, Publication Board, and Students' Advisory Bureau for foreign studies ;

(*xii*) to recognise hostels ;

(*xiii*) to arrange for co-ordination of studies and teaching in, University and affiliated colleges, and in recognized institutions ;

(*xiv*) to arrange for and direct the inspection of affiliated colleges, and recognised institutions, and to lay down conditions for ensuring or maintaining their efficiency in teaching, training or research and [2][to issue instructions for ensuring proper conditions of employment for members of the staff of such colleges or institutions and, in case of disregard of such instructions, to recommend modification of conditions of their affiliation or recognition, or to take such other steps as it deems proper] ;

(*xv*) to call for reports, returns and other information from University and affiliated colleges and recognised institutions, and from authorities in charge of hostels ;

(*xvi*) to make Ordinances for the residence, conduct and discipline of the University students, and to make arrangements for their health and general welfare ;

[3][(xvi*a*) to surpervise hostels ;]

[4][(*xvii*) to recommend to the Senate conferment of honorary degrees and other academic distinctions upon distinguished persons, subject to the provisions of the Statutes ;

(*xviii*) to make Ordinances for and to regulate the award of fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes ;]

(*xix*) to recognise a member of the staff of an affiliated college or recognised institution as a professor, reader, lecturer or teacher of the University and withdraw such recognition ;

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[1] These words were substituted for the word " buildings " by Bom. 52 of 1950, s. 18 (*b*).

[2] These words were substituted for the words " to supervise hostels and to direct their inspection " *ibid*, s. 18 (*c*).

[3] This clause was inserted, *ibid*, s. 18 (*d*).

[4] These clauses were substituted for the original, *ibid*, s. 18 (*e*).

(*xx*) to appoint examiners and to fix their remunerations;

(*xxi*) to appoint the Registrar and other officers of the University as provided for in this Act or by Statutes;

(*xxii*) to appoint University professors, readers and other teachers as provided for in this Act or by Statutes, and define their duties;

(*xxiii*) to appoint clerks, assistants, supervisors and other servants of the University, University departments, University colleges, and define their duties;

(*xxiv*) to determine salaries, allowances and emoluments of the teachers [1][and other employees] of the University, the conditions of their service, the qualifications for employment as teachers and to prescribe leave rules;

(*xxv*) to make Ordinances for the discipline and supervision of all teachers of the University and officers and other employees;

[2][(*xxvi*) to hold and conduct either examinations or tests or both as prescribed by the Ordinances;]

(*xxvii*) to make Ordinances for levying examination fees and other charges and to collect the same;

(*xxviii*) to lay down conditions on which students shall be admitted to examinations;

(*xxix*) to publish the results of University examinations and other tests;

(*xxx*) to organise or arrange for the employment of students;

(*xxxi*) to make, amend and cancel the Ordinances;

(*xxxii*) to exercise such other powers, perform such other functions and discharge such other duties as may be conferred or imposed on the Syndicate by this Act or the Statutes;

(*xxxiii*) to exercise all powers of the University not otherwise provided for in the Act or Statutes which may be necessary to give effect to the provisions of the Act.

(*2*) The Syndicate shall submit to the Senate every year an administration report about all matters concerning University affairs, and perticularly about of all acceptances or transfers of property referred to in clause (*viii*) of sub-section (*1*).

(*3*) The Syndicate may by Ordinances appoint committees to carry out its administrative work and define their constitution, functions and tenures.

Faculties.

25. (*1*) The University shall include the Faculties of [3][Arts, Science, Education and Psychology, Commerce, Medicine, Technology (including Engineering), Law, Agriculture, Fine Arts, Home Science, Social Work] and such other Faculties as may be prescribed by the Statutes.

(*2*) Each Faculty shall comprise such subjects as may be prescribed by the Statutes.

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[1] These words were inserted, by Bom. 52 of 1950, s. 18 (*f*).

[2] This clause was substituted for the original, *ibid*, s. 18 (*g*).

[3] This portion was substituted for the words beginning with "Arts" and ending with "Fine Arts" *ibid*, s. 19.

(*3*) Each Faculty shall consist of :—

(*i*) such Fellows as are assigned to each Faculty by the Senate ; and

(*ii*) such members of the Boards of Studies for the subjects comprised in the Faculty, as may be elected to it under the Statutes to be made by the Senate.

(*4*) The powers, and duties of the Faculties, and the conditions governing the term of offices of their members shall be as prescribed by the Statutes.

Deans of Faculties.

26. (*1*) There shall be a Dean of each Faculty, who shall be [1][appointed by the Syndicate in accordance with the Statutes].

(*2*) The Dean of each Faculty shall be responsible for the due observance of the Statutes and Ordinances relating to that Faculty.

(*3*) The Dean shall be the Chairman of the Faculty, and shall preside at its meetings.

Council of Post-graduate Studies and Research.

27. (*1*) (*i*) There shall be a Council of Post-graduate Studies and Research (hereinafter called the Council) to deal with all matters relating to [2][post-graduate] instruction, training and research in the various subjects taught in the University or in which training is given or research conducted ;

(*ii*) The Council may be divided by the Statutes into two following [3][divisions]:—

[4][(*a*) the Faculties of Arts, Education and Psychology, Commerce, Law, Fine Arts, Home Science and Social Work ; and

(*b*) the Faculties of Science, Medicine, Technology (including Engineering) and Agriculture.]

(*2*) The Council shall consist of—

(*i*) The Vice-Chancellor ;

(*ii*) The Pro-Vice-Chancellor, if any ;

(*iii*) The Rector, if any ;

(*iv*) The Dean of each Faculty ;

(*v*) [5]* * * * * * *

(*vi*) such number of the teachers of the University not exceeding five, as may be prescribed by the Statutes, elected from amongst such teachers who are themselves doing post-graduate research or training [6]* * *

[7][(*3*) The term of office of the Council shall be three years and its powers and duties shall be prescribed by the Statutes.]

Boards of Studies.

28. (*1*) There shall be a Board of Studies for every subject or group of subjects as may be prescribed by the Statutes.

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[1] These words were substituted for the words beginning with "elected" and ending with "Fellows", by Bom. 52 of 1950, s. 20.

[2] These words were inserted, *ibid*, s. 21 (*a*) (*i*).

[3] This word was substituted for the word "departments", *ibid*, s. 21 (*a*) (*ii*).

[4] These sub-clauses were substituted for the original, *ibid*, s. 21 (*a*) (*iii*).

[5] Clause (*v*) was deleted, *ibid*, s. 21 (*b*).

[6] The words "but who are not persons referred to in sub-clauses (*i*) and (*ii*)" were deleted, *ibid*, s. 21(*b*).

[7] This sub-section was added, *ibid*, s. 21 (*c*).

(*2*) Each Board shall consist of—

(*i*) Heads of the University Departments in the subjects for which the Board is constituted;

(*ii*) Heads of departments in the said subjects in [1]* * * affiliated colleges and recognised institutions;

(*iii*) such class of teachers of the University in the said subjects in such numbers, and elected in such manner, as may be prescribed by the Statutes.

[2][(*iv*) such experts in the subjects concerned as may be appointed by the Syndicate in accordance with the Statutes.]

(*3*) The Chairman shall be elected by the members of the Board of Studies.

[3][(*4*) The term of office of each Board of Studies shall be three years.

(*5*) The powers, duties and functions of the Board of Studies shall be as prescribed by the Statutes].

29. (*1*) The University may establish a Board of Extra-Mural Studies, a Sports Board, a Board for Students' Welfare and a Publication Board, and such other Boards as may be prescribed by the Statutes. Other Boards.

(*2*) The constitution, powers and duties of the Boards established under sub-section (*1*) shall be as prescribed by the Ordinances.

30. The constitution, powers and duties of such other bodies as may be declared by the Statutes to be authorities of the University shall be as prescribed by the Statutes. Other authorities.

CHAPTER IV.

STATUTES AND ORDINANCES.

31. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters:— Statutes.

(*i*) the powers and duties of the officers of the University, in so far as they are not provided for by this Act;

(*ii*) the constitution, powers and duties of the authorities of the University save as provided in this Act;

(*iii*) the election of the members to the Senate, and the Syndicate, and other authorities of the University and the procedure at meeting thereof and for the transaction of their business;

(*iv*) [4][conferment of degrees], diplomas, [5]* certificates and other academic distinctions to be conferred by the University;

(*v*) the procedure for the withdrawal or cancellation of degrees, diplomas, [6]* certificates and other academic distinctions;

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[1] The words "the University or" were deleted by Bom. 52 of 1950, s. 22 (*a*) (*i*).
[2] This clause was added, *ibid*, s. 22 (*a*) (*ii*).
[3] Sub-sections (*4*) and (*5*) were added, *ibid*, s. 22 (*b*).
[4] These words were substituted for the words "the degrees", *ibid*, s. 23 (*a*) (*i*).
[5] The word "titles" was deleted, *ibid*, s. 23 (*a*) (*ii*).
[6] The word "titles" was deleted, *ibid*, s. 23 (*b*).

(*vi*) the registration of graduates and maintenance of a register of registered graduates;

(*vii*) the holding of convocation to confer degrees or diplomas;

(*viii*) the conferment of honorary degrees;

(*ix*) the acceptance [1][of grants], bequests, donations and endowments;

(*x*) the maintenance of the accounts, and the [2][method of preparation] of annual budget of the University;

(*xi*) all other matters which by this Act are to be or may be prescribed by the Statutes.

Statutes, their making, amendment, repeal and operation.

32. (*1*) The Statutes may be made by the Senate, or may be amended, repealed or added to by Statutes made by the Senate, in the manner hereinafter provided.

(*2*) The Senate may take into consideration the draft of a Statute either of its own motion or on a proposal by the Syndicate.

(*3*) The Syndicate may propose to the Senate the draft of any Statute to be passed by the Senate.

(*4*) Such draft shall be considered by the Senate at its next succeeding meeting. The Senate may approve such draft and pass the Statute or may reject it or return it to the Syndicate for reconsideration either in whole or in part together with any amendments which the Senate may suggest. After any draft so returned has been further considered by the Syndicate together with any amendments suggested by the Senate, it shall be again presented to the Senate with the report of the Syndicate thereon and the Senate may then deal with the draft in any manner it thinks fit.

(*5*) Where a Statute affects the powers or duties of any officer, authority or Board of the University—

(*i*) the Syndicate shall, before proposing the draft of such Statute, ascertain and consider the views of the officer, authority or Board concerned; and

(*ii*) the Senate, before passing any such Statute, taken into consideration of its own motion, shall ascertain and consider the views of the officer, authority or Board concerned, and the opinion of the Syndicate.

(*6*) All Statutes passed by the Senate from time to time shall be submitted to the Government and shall be liable to be cancelled by the Government within a period of one year from the date they were received by it:

Provided that before a Statute is cancelled, the Senate shall be given an opportunity to express its views.

Ordinances.

33. Subject to such conditions as may be prescribed by or under the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters:—

(*i*) Courses of studies for degrees, [3]* diplomas, and other academic distinctions;

(*ii*) Admission of students to the various courses of study and examinations;

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[1] These words were substituted for the words "and management of" by Bom. 52 of 1950, s. 23 (*c*).
[2] These words were substituted for the words "preparation and passing", *ibid*, s. 23 (*d*).
[3] The word "titles" was deleted, *ibid*, s. 24 (*a*).

(*iii*) Levy of fees in the [1][University Departments,] affiliated colleges and recognised institutions and institutions maintained by the University;

(*iv*) Residence, conduct and discipline of students;

(*v*) Qualifications and terms and conditions of the employment of teachers [2][in affiliated colleges and recognised institutions];

(*vi*) Appointments of examiners and supervisors;

[3][(*vii*) Conduct of examinations and other tests;]

(*viii*) Inspection of affiliated colleges, recognised institutions and hostels;

(*ix*) Rules to be observed and enforced by constituent [4][and affiliated] colleges and recognised institutions in respect of transfer of students;

(*x*) Number and designations of the teachers of the University, their emoluments, powers and duties, and the conditions of their service;

(*xi*) Recognition of hostels;

(*xii*) Recognition of teachers of the University;

(*xiii*) All matters which by this Act or the Statutes are to be provided by Ordinances;

(*xiv*) Generally all matters for which provision is, in the opinion of the Syndicate, necessary for the exercise of the powers conferred or for the performance of the duties imposed upon the Syndicate by this Act or the Statutes.

34. (*1*) Ordinances shall be made by the Syndicate: provided that no Ordinance covering any matter connected with the maintenance of standards of teaching and examination in the University shall be made [5][without consulting the Faculty or Faculties concerned.] Making of Ordinances.

(*2*) All Ordinances made by the Syndicate shall, except as provided by this Act, have effect from such date as it may direct, but every Ordinance so made shall be laid before the Senate for its consideration.

(*3*) The Senate shall have power by resolution to cancel or to refer back, but not to amend, any such Ordinances. The resolution shall be passed by a majority of not less than two-thirds of the members present at the [6][meeting, such majority comprising not less than thirty members of the Senate.].

[7][(*4*) The Vice-Chancellor may, on the application of not less than thirty members of the Senate, suspend the operation of any such Ordinance, until the Senate has considered it as provided in sub-section (*3*).]

35. Any authority of the University specified in clauses (*iii*) to (*iv*) of section 16 and any other Board of the University may, subject to the approval by the Syndicate, make rules, consistent with this Act, Statutes, and Ordinances providing for all matters solely concerning such authority or Board. Rules.

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[1] These words were substituted for the words "University and", by Bom. 52 of 1950, s. 24 (*b*).

[2] These words were substituted for the words "other than the teachers of the University", *ibid*, s. 24 (*c*).

[3] This clause was substituted for the original, *ibid*, s. 24 (*d*).

[4] These words were inserted, *ibid*, s. 24 (*c*).

[5] These words were substituted for the words beginning with "unless" and ending with "concerned", *ibid*, s. 25 (*a*).

[6] These words were substituted for the word "meeting", *ibid*, s. 25 (*b*).

[7] This sub-section was added, *ibid*, s. 25 (*c*).

CHAPTER V.

AFFILIATION AND RECOGNITION.

Affiliation.

36. (*1*) A college applying for affiliation to the University shall send a letter of application to the Registrar, and shall satisfy the Syndicate—

(*a*) [1]* * * * * * *

(*b*) that the college is to be under the management of a regularly constituted governing body;

(*c*) that the strength and qualifications of the teaching staff, and the conditions governing their tenure of office, are [2][in accordance with the Statutes and the Ordinances and are] such as to make due provision for the courses of instruction, teaching or training to be undertaken by the College;

(*d*) that the buildings in which the college is to be located are suitable, and that provision will be made, in conformity with the Ordinances, for the residence of students not residing with their parents or guardians, and for the supervision and welfare of students;

(*e*) where affiliation is sought in any branch of experimental science, that arrangements have been or will be made in conformity with the Statutes and Ordinances for imparting instruction in that branch of science in a properly equipped laboratory or museum;

(*f*) that due provision will, as far as circumstances may permit, be made for the residence of the principal and some members of the teaching staff in or near the college, or the place provided for the residence of students;

(*g*) that the financial resources of the college are such as to make due provision for its continued maintenance and efficient working; and

(*h*) that the college rules fixing the fees (if any) to be paid by the students have not been so framed as to involve such competition with any existing college as would be injurious to the interests of education.

The application shall further contain an assurance that, after the college is affiliated, any transference of management and all changes in the teaching staff, and all other changes which result in any of the aforesaid requirements not being fulfilled or [3][continuing not] to be fulfilled shall be forthwith reported to the Syndicate.

(*2*) On receipt of a letter of application under sub-section (*1*) the Syndicate shall—

(*a*) direct an inquiry to be made by a competent person or persons authorised by the Syndicate in this behalf in respect of the matters referred to in sub-section (*1*) and such other matters as may be deemed necessary and relevant;

(*b*) make such further inquiry as may appear to it to be necessary; and

(*c*) record its opinion on the question whether the application should be granted or refused, either in whole or in part, stating the results of any inquiry under clauses (*a*) and (*b*).

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[1] Clause (*a*) was deleted by Bom. 52 of 1950, s. 26 (*a*).
[2] These words were inserted, *ibid*, s. 26 (*a*).
[3] These words were substituted for the word "continued", *ibid*, s. 26 (*a*).

(*3*) The Registrar shall submit the application and all proceedings, if any, of the Syndicate [1][and the Senate relating thereto to the Government] which, after such inquiry as may appear to it to be necessary, shall grant or refuse the application or any part thereof.

(*4*) Where the application or any part thereof is granted, the order of [2][Government] shall specify the courses of instruction in respect of which the college is affiliated, and, where the application or any part thereof is refused, the ground of such refusal shall be stated.

(*5*) An application under sub-section (*1*) may be withdrawn at any time before an order is made under sub-section (*3*).

37. Where a college desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed by section 36 shall, so far as may be, be followed. Extension of affiliation.

38. (*1*) The Senate shall have the power to recognise as a recognised institution any institution of research or specialised studies other than a college. Recognition of institutions of research and specialized studies.

(*2*) An institution applying for recognition under this section shall send a letter of application to the Registrar, and shall give full information in the letter of application in respect of the following matters, namely :—

(*a*) constitution and personnel of the managing body;

(*b*) subjects and courses in regard to which recognition is sought;

(*c*) accommodation, equipment and the number of students for whom provision has been or is proposed to be made;

(*d*) the strength of the staff, their qualifications and salaries and the research work done by them;

(*e*) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(*3*) Before taking the application into consideration the Senate may call for any further information which it may deem necessary.

(*4*) If the Senate decides to take the application into consideration, it may direct an inquiry to be made by a competent person or persons authorised by it in this behalf. After considering the report made as a result of such inquiry and making such further inquiry as may appear to it to be necessary the Senate shall grant or refuse the application or any part thereof. Where the application or any part thereof is granted, the Senate shall specify the subjects and the courses of instruction in respect of which the institution is recognised. Where the application or any part thereof is refused the grounds of such refusal shall be stated.

39. (*1*) Every affiliated college and recognized institution shall furnish such reports, returns and other information as the Syndicate may require to enable it to judge of the efficiency of the college or institution. Inspection of colleges and reports.

(*2*) The Syndicate shall cause every such college or institution to be inspected from time to time by one or more competent persons authorized by the Syndicate in this behalf.

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[1] These words were substituted for the words "relating thereto to the Senate", by Bom. 52 of 1950, s. 26 (*b*).

[2] This word was substituted for the words "the Senate", *ibid*, s. 26 (*c*).

(*3*) The Syndicate may call upon any college or institution so inspected to take, within a specified period, such action as may appear to it to be necessary in respect of any of the matters referred to in sub-section (*1*) of section 36 and sub-section (*2*) of section 38.

Withdrawal of affiliation.

40. (*1*) The rights conferred on a college by affiliation may be withdrawn, in whole or in part, or modified, if the college has failed to carry out any of the provisions of sub-section (*1*) of section 36, or the college has failed to observe any of the conditions of its affiliation, or the college is conducted in a manner which is prejudicial to the interests of education.

(*2*) A motion for the withdrawal or the modification of such rights shall be initiated only in the Syndicate. The member of the Syndicate who intends to move such a motion shall give notice of it, and shall state in writing the grounds on which it is made.

(*3*) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (*2*) to the Principal of the college concerned, together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the college will be considered by the Syndicate :

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(*4*) On receipt of the representation or on the expiry of the period referred to in sub-section (*3*), the Syndicate after considering the notice of motion, statement and representation, and after such inspection by any competent person or persons authorized by the Syndicate in this behalf, and such further inquiry, as may appear to it to be necessary, shall make a report to the Senate.

(*5*) On receipt of the report under sub-section (*4*) the Senate shall, after such further inquiry, if any, as may appear to it to be necessary, make such order as it deems fit :

Provided that no resolution of the Senate recommending the withdrawal of affiliation shall be deemed to have been passed by it unless the resolution has obtained the support of two-thirds of the members present at a meeting of the Senate, such majority comprising not less than one-half of the members of the Senate.

[1][(*5A*) The Registrar shall submit the proposal and all the proceedings, if any, of the Syndicate and the Senate relating thereto to Government, which, after such further inquiry, if any, as may appear to it to be necessary, shall make such order as it thinks fit.]

(*6*) Where the rights conferred by affiliation are withdrawn in whole or in part or modified, the grounds for such withdrawal or modification, shall be stated in the order.

Withdrawal of recognition.

41. (*1*) The rights conferred on an institution by recognition may be withdrawn or suspended for any period if the institution has failed to observe any of the conditions of its recognition or the institution is conducted in a manner which is prejudicial to the interests of education.

(*2*) A motion for such withdrawal or suspension shall be initiated only in the Syndicate. The member of the Syndicate who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.

[1] This sub-section was inserted by Bom. 52 of 1950, s. 27.

(*3*) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub section (*2*) to the head of the institution concerned, together with an intimation that any representation in writing submitted within a period specified in the intimation on behalf of the institution will be considered by the Syndicate :

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(*4*) On receipt of the representation or on the expiry of the period referred to in sub-section (*3*), the Syndicate after considering the notice of motion, statement and representation and after such inspection by any competent person or persons authorized by the Syndicate in this behalf, and after such further inquiry as may appear to it to be necessary shall make a report to the Senate if the Syndicate decides that the recognition should be withdrawn or suspended. No such report for withdrawal or suspension shall be made unless a resolution to that effect is supported by at least two-thirds of the members present at the meeting of the Syndicate.

(*5*) On receipt of the report under sub-section (*4*) the Senate shall, after such further inquiry, if any, as may appear to it to be necessary, decide whether the recognition should be withdrawn or suspended, as the case may be :

Provided that the recognition shall not be withdrawn or suspended unless a resolution of the Senate to that effect is supported by a majority of at least two-thirds of the members present at the meeting of the Senate, such majority, comprising not less than one-half of the members of the Senate.

CHAPTER VI.

42. (*1*) All University colleges and colleges within the University Area specified in Schedule II, which are admitted to the privileges of the University under sub-section (*3*) of section 5, and all colleges within the said area which may thereafter be taken over by or be affiliated to the University shall be the constituent colleges of the University. Organization within the University Area and for[1]* teaching.

(*2*) The institutions specified in Schedule III and all institutions within the University Area which may hereafter be recognized under section 38 shall be the constituent recognized institutions of the University.

(*3*) The relations of the affiliated colleges and constituent recognized institutions with the University shall be governed by the Statutes to be made in that behalf, and such Statutes shall provide in particular for the exercise by the University of the following powers in respect of the affiliated colleges and constituent recognized institutions :—

(*i*) to lay down minimum educational qualifications for the different classes of teachers and tutorial staff employed by such colleges and institutions and the conditions of their service ;

(*ii*) to approve the appointments of the teachers made by such colleges and institutions ;

(*iii*) to require each such college and institution to contribute a prescribed quota of recognized teachers in any subject for teaching on behalf of the University ;

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[1] The word "post-graduate" was deleted by Bom. 52 of 1950, s. 28.

(*iv*) to co-ordinate and regulate the facilities provided and expenditure incurred by such colleges and institutions in regard to libraries, laboratories and other equipments for teaching and research ;

(*v*) to require such colleges and institutions, when necessary, to confine the enrolment of students to certain subjects ;

(*vi*) to levy contributions from such colleges and institutions and make grants to them ; and

(*vii*) to require satisfactory arrangements for tutorial and similar other work in such colleges and institutions and to inspect such arrangements from time to time.

Teaching.

43. (*1*) Within the University Area all instruction, teaching and training beyond the stage of the Entrance Examination shall be conducted either by the [1][constituent and affiliated colleges or] recognised institutions in such subjects as may be prescribed by the [2][Ordinances].

(*2*) [3]* * * * * *

CHAPTER VII

Enrolment and Degrees.

Qualifications for enrolment of students of University.

44. No student shall be enrolled as a student of the University unless he has passed—

(*i*) the Secondary School Certificate Examination conducted by the Secondary School Certificate Examination Board, Bombay [4][State], in such subjects [5][and with such standards of attainment] as may be prescribed by the [6][Ordinances] ; or

(*ii*) the Entrance Examination [7][if any, which may be instituted by the University with the consent of Government, and held in such subjects and in such manner as may be prescribed by the Ordinances] ; or

(*iii*) the Matriculation Examination of the University of Bombay held in or before March, 1948 ; or

(*iv*) any other examination declared to be equivalent to the examination referred to in sub-clauses (*i*) and (*iii*) preceding, and possessing such further qualifications, if any, as may be prescribed by the [8][Ordinances].

Residence of students.

45. Every student of the University shall reside in a hostel or under such conditions as may be prescribed by the Ordinances.

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[1] These words were substituted for the words "constitutent colleges or constitutent" by Bom. 52 of 1950, s. 29 (*a*).
[2] This word was substituted for the word "Statutes", *ibid*, s. 29 (*a*).
[3] Sub-section (2) was deleted, *ibid*, s. 29 (*b*).
[4] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950,
[5] These words were inserted, *ibid*, s. 30 (*a*).
[6] This word was substituted for the word "Statutes", *ibid*, s. 30 (*a*).
[7] These words were substituted for the words "of this University", *ibid*, s. 30 (*b*).
[8] This word was substituted for the word "Statutes", *ibid*, s. 30 (*c*).

46. If not less than two-thirds of the members of the Syndicate recommend that an honorary degree, [1]* or other academic distinction be conferred on any person on the ground that he is, in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such degree, [1]* or other academic distinction, and where such recommendation is supported by a majority of not less than two-thirds of the members of the Senate, present at the meeting of the Senate, the Senate may confer on such person the honorary degree, [1]* or other academic distinction so recommended and without requiring him to undergo any examination. Honorary degrees.

47. (*1*) The Chancellor may, on the recommendation of the Syndicate and the Senate, supported by a majority of not less than two-thirds of members of each body present at its meeting, remove the name of any person from the register of graduates, or withdraw any diploma or degree, if he has been convicted by a court of law of any offence which, in the opinion of the Syndicate and the Senate, is a serious offence, involving moral turpitude. Removal from membership of University and withdrawal of degree or diploma.

(*2*) No action under this section shall be taken unless the person concerned is given an opportunity to be heard in his defence in the manner prescribed by the Statutes.

CHAPTER VIII.

COMMITTEES.

48. (*1*) No person shall be appointed as [2][professor or reader] of the University except on the recommendations of a Committee for selection specially constituted for the purpose. Committee of Selection for appointment of [5][professor or reader] of the University.

(*2*) The members of the Committee shall be :—

(*i*) The Vice-Chancellor, *ex-officio* Chairman,

(*ii*) The Pro-Vice-Chancellor, if any,

(*iii*) The Rector, if any,

[3][(*iiia*) The Head of the department, if any,]

(*iv*) Four persons having special knowledge of the subject for which the teacher is to be appointed, to be selected by the Syndicate : provided that two of them shall not be members of the Senate, [4][or of any Faculty or teachers of the University].

(*3*) The Committee shall investigate the merits of the various candidates and shall recommend to the Syndicate the names, if any, of persons who might be considered suitable for the post arranged in the order of merit.

(*4*) If there are more than one applicant for any such post, the Committee of selection shall recommend for each such post not less than two names arranged in the order of merit : provided that it shall be open to the Committee to recommend any one of such candidates as being in their opinion the best suited for the post.

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[1] The word "title" was deleted by Bom. 52 of 1950, s. 31.

[2] These words were substituted for the word "teachers," *ibid*, s. 32 (*1*).

[3] This clause was inserted, *ibid*, s. 32 (*2*) (*a*).

[4] These words were substituted for the words "members of the Faculties, or teachers", *ibid*, s. 32 (*2*) (*b*).

[5] These words were substituted for the word "teachership" by Bom. 9 of 1951, s. 3, Second Schedule.

[1][(*5*) Out of the persons so recommended, the Syndicate may make the final selection. If the person so selected is unable to take up the appointment within a reasonable time, the Syndicate may make another selection from the other persons recommended by the Committee of Selection in the order of merit. If none of the persons recommended by the Committee of Selection is able to take up the post or found suitable by the Syndicate, the post may be filled in by the Syndicate at their discretion :

Provided that when the Syndicate makes the appointment otherwise than in the order of merit arranged by the Committee, the Syndicate shall record its reasons for such or any such appointment.

(*6*) Nothing contained in this section shall apply to a temporary appointment of a person as a professor or reader for a period not exceeding one year :

Provided that no such temporary appointment made under this sub-section shall be renewed or continued for any further period without fulfilling the requirements of this section.]

Appointment of Examiners' Committee.

49. (*1*) A Committee for each Faculty shall be formed every year for the purpose of drawing up the list for appointments to University examinerships.

(*2*) [2][The Vice-Chancellor shall be the *ex-officio* Chairman and the following shall, in the case of a Committee for each Faculty, be the members of the Committee] :—

(*i*) The Pro-Vice-Chancellor, if any,

(*ii*) The Rector, if any,

(*iii*) The Dean of the Faculty,

(*iv*) [3][Members not exceeding four] appointed by the Syndicate, from amongst the members of the Faculty.

(*3*) The Committee shall draw up a list of persons recommended for appointment as examiners from amongst persons included in the panels to be prepared by the Boards of Studies concerned. The lists so drawn up shall be submitted for approval to the Syndicate who shall make the appointment.

(*4*) If any examiner is unable to act for any reason a fresh appointment shall, subject to the confirmation by the Syndicate, be made by the Vice-Chancellor, in consultation with the Dean of the Faculty concerned.

Committee.

50. All the authorities of the University shall have powers to appoint Committees. Such Committees may include persons who are not members of the authority appointing it.

CHAPTER IX.

FINANCE.

University Fund.

51. (*1*) The University shall establish a fund to be called the University Fund.

[1] Sub-sections (*5*) and (*6*) were substituted for the original sub-section (*5*) by Bom. 52 of 1950, s. 32 (*3*).

[2] These words were substituted for the words "The members of the Committee shall be", *ibid*, s. 33 (*a*).

[3] These words were substituted for the words "Four members", by Bom. 52 of 1950, s. 33 (*b*).

(*2*) The following shall form part of, or be paid into, the University Fund :—

[1] * * * *

[2] (*a*) any contribution or grant by the Government,

[2] (*b*) the income of the University from all sources including income from fees and charges,

[2] (*c*) bequests, donations, endowments, [3] [grants and all other receipts].

(*3*) The University Fund shall be kept in the Bank of Baroda Ltd. or in any scheduled bank as defined in the Reserve Bank of India, Act, 1934, or invested in securities authorised by [4] [the Indian Trusts Act, 1882], at the discretion of the Syndicate.

II of 1934.

II of 1882.

52. [*Trust Fund.*] *Repealed by Bom. 52 of 1950, s. 35.*

53. (*1*) The annual accounts of the University shall be prepared under the direction of the Syndicate and [5] * * * shall be submitted to the Government for audit.

Annual accounts, financial estimates and annual report.

(*2*) The Syndicate shall prepare, every year before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year.

(*3*) The [6]* * * financial statement shall be considered by the Senate at a meeting of the Senate held before the end of the year and the Senate may pass resolutions with reference thereto and communicate the same to the Syndicate which shall take them into consideration and finally adopt the [7]* * financial estimates.

(*4*) The annual report [8] [and accounts] of the University shall be prepared under the direction of the Syndicate and shall be submitted to the Senate on or before such date as may be prescribed by the Statutes, and shall be considered at its annual meeting. The Senate may pass resolutions thereon and communicate the same to the Syndicate, which shall take such action thereon, as may seem necessary and appropriate to give effect to the resolutions.

CHAPTER X.

SUPPLEMENTARY PROVISIONS.

54. The University shall make adequate provisions for the benefit of its officers, teachers, and other servants in the matter of insurance, pension and provident fund or for other benefits as it may deem fit, in such manner, and subject to such conditions, as may be prescribed by the Statutes.

Conditions of service.

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[1] The original clause (*a*) was deleted by Bom. 52 of 1950, s. 34 (*a*).

[2] The original clauses (*b*), (*c*) and (*d*) were renumbered as clauses (*a*), (*b*) and (*c*), *ibid*, s. 34 (*a*).

[3] These words were substituted for the words "and other grants, if any, other than the Trust Fund" *ibid*, s. 34 (*a*).

[4] These words and figures were substituted for the words and figures "the Baroda Jumma Nibandh, Samvat, 1963," *ibid*, s. 34 (*b*).

[5] The words "the accounts" were deleted, *ibid*, s. 36 (*a*).

[6] The words "annual accounts and the" were deleted, *ibid*, s. 36 (*b*).

[7] The words "accounts and" were deleted, *ibid*, s. 36 (*b*).

[8] These words were inserted, *ibid*, s. 36 (*c*).

Tribunal of Arbitration.

55. Any dispute arising out of a contract between the University and any officer or teacher of the University, shall, on the request of the officer or teacher concerned, be referred to a Tribunal of Arbitration consisting of one member appointed by the [1][Syndicate], one member nominated by the officer or teacher concerned and an umpire appointed by the Chancellor. The decision of the Tribunal shall be final, and no suit shall lie in any civil court in respect of the matter decided by the Tribunal. Every such request shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of [2][the Arbitration Act, 1940], and the provisions of that Act shall apply accordingly. X of 1940.

Election to be by single distributive vote.

56. Every election under this Act shall be by a system of single distributive vote.

Vacating of office.

57. (*1*) Any member of any authority or body of the University may resign his office by letter addressed to the Registrar.

(*2*) Any member of any authority or body of the University shall cease to be a member on his being convicted by a court of law of an offence which involves moral turpitude.

(*3*) The Government may on the recommendation of the Senate supported by at least two-thirds of the number of Fellows present at the meeting, cancel the appointment of any person appointed or elected a Fellow of the University. As soon as such order is published or notified in the *Official Gazette*, the person so appointed or elected shall cease to be a Fellow; and he shall not be eligible for reappointment or re-election until the disqualification has been removed by the Government by a notification in the *Official Gazette*.

Filling of casual vacancies.

58. When any vacancy occurs in the office of a member (other than *ex-officio* member) of any authority or other body of the University before the expiry of the term of office of such member, the vacancy shall be filled as soon as conveniently may be, by the election, nomination, or appointment, as the case may be, of a member who shall hold office so long only as the member in whose place he has been elected, nominated or appointed would have held it if the vacancy had not occurred:

[3][Provided that if the vacancy be of an elected member of the Senate and occurs within six months preceding the date on which the term of office of such member expires, the vacancy shall not be filled.]

Proceedings not to be invalidated by vacancies.

59. No act or proceedings of any authority or other body of the University shall be invalidated merely by reason of any vacancy in its membership.

Disputes as to constitution of University authority or body.

60. If any question arises regarding the interpretation of any provision of this Act or of any Statute, Ordinance, or Rule, or as to whether a person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter may be referred to the [4][Government], who shall decide the question and [5][its] decision shall be final.

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[1] This word was substituted for the word "Senate" by Bom. 52 of 1950, s. 37.

[2] These words and figures were substituted for the words and figures "the Baroda Arbitration Act, 1926", *ibid*, s. 37.

[3] This proviso was added, *ibid*, s. 38.

[4] This word was substituted for the word "Vice-Chancellor", *ibid*, s. 39.

[5] This word was substituted for the word "his", *ibid*, s. 39.

61. All acts and orders in good faith done and passed by the University or any of its authorities, bodies or officers shall be final and no suit shall be instituted, against or damage claimed from the University or its authorities, bodies or officers for anything purporting to be done in pursuance of the Act and the Statutes, Ordinances and Rules framed thereunder. Protection of acts and orders.

CHAPTER XI.

TRANSITORY PROVISIONS.

62. Notwithstanding anything contained in this Act, or the Statutes and Ordinances made thereunder, any student of a college situate within the University Area and affiliated to the University of Bomay, who immediately before the date on which section 5 came into force was studying or was eligible for any examination of the University of Bombay shall be permitted to complete his course in preparation therefor, and the University shall provide for such period and in such manner as may be prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with the courses of studies of the University of Bombay. Completion of courses of studies in colleges affiliated to the Bombay University

63. Notwithstanding anything contained in section 10, the first Vice-Chancellor shall be an honorary officer who shall be appointed by the Government as soon as practicable after the passing of this Act for a period not exceeding three years and on such terms and conditions as the Government thinks fit. Appointment of Vice-Chancellor.

64. (*1*) Notwithstanding anything contained in section 12 the first Pro-Vice-Chancellor shall be a wholetime salaried officer who shall be appointed by the Government as soon as practicable after the passing of this Act, for a period not exceeding three years and on such terms and conditions as the Government thinks fit. Appointment of Pro-Vice-Chancellor.

(*2*) The first Pro-Vice-Chancellor, shall under the control of the first Vice-Chancellor, discharge such of the [1][functions] and duties of the first Vice-Chancellor as he may direct.

65. (*1*) Notwithstanding anything contained in section 13 the first Rector shall be a wholetime salaried officer who shall be appointed by the Government as soon as practicable after the passing of this Act, for a period not exceeding three years and on such terms and conditions as the Government thinks fit. Appointment of Rector.

(*2*) The first Rector shall, under the control of the first Vice-Chancellor work as the administrative head of all constituent colleges and institutions in the Faculties of Arts, Commerce and Science to be maintained by the University.

66. Notwithstanding anything contained in section 14, the first Registrar shall be appointed by the Government as soon as practicable after the passing of this Act for a period not exceeding three years and on such terms and conditions as the Government thinks fit. Appointment of the first Registrar.

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[1] This word was substituted for the word "function" by Bom. 9 of 1951, s. 3, Second Schedule.

The first Senate and Syndicate.

67. Notwithstanding anything contained in sections 18 and 23 the first Fellows of the Senate and the first members of the Syndicate shall be nominated by the Government as soon as practicable after the passing of this Act. They shall hold office [1][upto and inclusive of the 31st day of October 1951]. The casual vacancies in the office of a Fellow or member, as the case may be, may be filled up by the Government and the Fellow or member so nominated shall hold office so long only as the Fellow or member in whose place he has been nominated would have held it if the vacancy had not occurred.

Transitory powers of the first Vice-Chancellor.

68. (*1*) It shall be the duty of the first Vice-Chancellor to make arrangements for constituting the authorities of the University other than the Senate and the Syndicate within six months after the date of his appointment or such longer period not exceeding one year as the Government may direct.

(*2*) The first Vice-Chancellor shall make provisional Statutes necessary for constituting the aforesaid authorities and regulating the procedure at their meetings and the method of election to the aforesaid authorities.

(*3*) The authorities constituted under sub-section (*1*) shall commence to exercise their functions on such date or dates as may be determined by the Vice-Chancellor.

(*4*) The first Vice-Chancellor shall, also subject to the provisions of this Act and the approval of the Chancellor, frame the first Statutes and Ordinances under this Act and submit them for confirmation to the Senate and the Syndicate respectively and shall when confirmed be published in the *Official Gazette*.

[2][**68A.** (*1*) At any time after the passing of this Act until such time as the authorities of the University shall commence to exercise their functions—

(*a*) any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the Chancellor;

(*b*) teachers of the University may be appointed by the Chancellor after considering the recommendations of the Advisory Committee, consisting of the Vice-Chancellor, the Director of Public Instruction and such other person or persons, if any, as the Chancellor thinks fit to associate with them.

(*2*) Any appointment made under sub-section (*1*) shall be for such period not exceeding three years and on such conditions as the appointing authority thinks fit:

Provided that no such appointment shall be made unless and until financial provision has been made therefor.]

Transfer of institutions and colleges and their properties to University.

69. On the coming into force of this section, the colleges, and institutions specified in Schedule II except the Medical College and in Schedule III except the Museum and the Baroda Sanskrit Mahavidyalaya, respectively, and established and conducted by the Government immediately before the coming into force of this section and all rights, powers and privileges of the said colleges and institutions and all property, moveable and immovable, thereof shall be transferred to and vest in the University and shall be applied to the objects and purposes for which the University is incorporated.

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[1] These words, letters and figures were substituted for the words beginning with the words "for a period" and ending with the words "their nomination" by Bom. 8 of 1951, s. 3.

[2] This section was added by the Baroda State (Application of Laws) Order, 1949, clause 10.

70. Notwithstanding anything contained in this Act, all teachers and other staff employed immediately before the coming into force of this section in the colleges and institutions transferred to the University under section 69 shall hold employment in the University on the same tenures and on the same terms and conditions and with same rights and privileges as they would have enjoyed if this Act had not been passed.

Employment of existing teachers deemed to be made under Act.

71. If any difficulty arises as to the first constitution or re-constitution of any authority of the University after the coming into force of this Act or otherwise in first giving effect to the provisions of this Act, the Government as occasion may require, may by order do anything which appears to it necessary for the purpose of removing the difficulty.

Removal by Government of difficulties at the commencement of the Act.

SCHEDULE I.

The University Area comprising the limits of the City of Baroda and territories within a radius of ten miles from the office of the University.

SCHEDULE II.

1. The Baroda Arts and Science College.
2. The Pratap Singh College of Commerce.
3. The Secondary Teachers Training College.
4. The Engineering College and Kalabhawan.
5. The Medical College.

SCHEDULE III.

1. The Oriental Institute.
2. The Technological Institute.
3. The College of Indian Music.
4. The Museum.
5. The Baroda Sanskrit Mahavidyalaya.

THE WEST KHANDESH MEHWASSI ESTATES REGULATION, 1949.

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SCHEDULE I.

SCHEDULE II.

SCHEDULE III.

BOMBAY REGULATION No. I OF 1949.

[THE WEST KHANDESH MEHWASSI ESTATES REGULATION, 1949.]

[*31st January 1950*]

A Regulation for the avoidance of doubt and application of laws to Mehwassi Estates.

WHEREAS it is necessary to make a declaration for the avoidance of doubt regarding laws in force in the territory of the Mehwassi Estates, which is a partially excluded area in the district of West Khandesh in the Province of Bombay;

AND WHEREAS it is also necessary to direct the application of certain laws to the said territory;

AND WHEREAS it is necessary to provide for the aforesaid and other matters for the peace and good government of the said territory;

26 Geo. 5, Ch. 2. NOW, THEREFORE, in exercise of the powers conferred by sub-sections (*1*) and (*2*) of section 92 of the Government of India Act, 1935, the Governor of Bombay is, with the assent of the Governor-General, hereby pleased to make the following Regulation, namely :—

Short title, extent and commencement.

1. (*1*) This Regulation may be called the West Khandesh Mehwassi Estates Regulation, 1949.

(*2*) It extends to the territory of the Mehwassi Estates specified in Schedule I.

(*3*) It shall come into force at once.

Avoidance of doubt regarding laws in force.

2. For the avoidance of doubt, it is hereby declared that—

(*a*) all Acts passed by the Parliament of the United Kingdom and applicable to the Dominion of India on the day on which this Regulation comes into force,

(*b*) all Acts passed by the Central Legislature before the 1st day of April 1937 and extended to British India not excluding the territory of the Mehwassi Estates as a part of the scheduled district as was defined in the Scheduled Districts Act, 1874,

XIV of 1874.

(*c*) all Acts passed by the Provincial Legislature before the 1st day of April 1937 and extended to the Province of Bombay including the territory of the Mehwassi Estates as a part of the scheduled districts, referred to in clause (*b*),

(*d*) all Acts of the Central and Provincial Legislatures declared to be in force or applicable to the territory of the Mehwassi Estates under the provisions of the Scheduled Districts Act, 1874, and continued in force under the Government of India (Adaptation of Indian Laws) Order, 1937,

XIV of 1874.

(*e*) all Acts of the Central and Provincial Legislatures and Ordinances promulgated by the Governor-General or the Governor of Bombay, extended to and declared in force in the territory of the Mehwassi Estates under section 92 of the Government of India Act, 1935, on or after the 1st day of April 1937 with such exceptions or modifications as may have been specified in the order extending or declaring them in force in the said territory, 26 Geo. 5, Ch. 2.

shall be deemed to be and to have been in force in the territory of the Mehwassi Estates.

Application of Bombay Land Revenue Code.

3. The Bombay Land Revenue Code, 1879, shall subject to the modifications specified in Schedule II come into force in the territory of the Mehwassi Estates. Bom. V of 1879.

Application of other laws.

4. All other Acts passed by Central or Provincial Legislature which are not in force in the territory of the Mehwassi Estates but are in force in the other part of the District of West Khandesh shall come into force in the territory of the Mehwassi Estates.

Application of rules, etc.

5. All rules, regulations, by-laws, notifications or orders made under any of the Acts mentioned in sections 2 to 4 (both inclusive) and applicable to the District of West Khandesh shall, unless there is anything otherwise repugnant in the subject or context, be deemed to be or to have been in force or shall apply, as the case may be, to the territory of the Mehwassi Estates.

Application of General Clauses Acts.

6. The provisions of the General Clauses Act, 1897, and the Bombay General Clauses Act, 1904, shall apply to the interpretation of this Regulation. X of 1897. Bom. I of 1904.

Repeal.

7. The enactment specified in Schedule III shall be deemed to have been repealed :

Provided that all proceedings commenced before any authority in the territory of the Mehwassi Estates before the day on which this Regulation comes into force and still pending on that day shall be disposed of by such authority as the Provincial Government may direct, and save as aforesaid shall be continued as if this Regulation had not been made.

SCHEDULE I.

[*See* section 1 (*2*).]

MEHWASSI ESTATES.

In the West Khandesh District, the villages belonging to the following Mehwassi Chiefs :—

(1) The Parvi of Kathi,

(2) The Parvi of Nal,

(3) The Parvi of Singpur,

(4) The Walwi of Gaohali,

(5) The Wassawa of Chikhli,

(6) The Parvi of Navalpur.

SCHEDULE II.

(*See* section 3.)

Modifications of the provisions of the Bombay Land Revenue Code, 1879—

(1) In section 1, sub-section (*2*), the words and figures, beginning with the words "and the Scheduled Districts" and ending with the figures "1874" shall be deleted.

(2) In section 3, clause (*13*), after the words "the Provincial Government" the words "and includes a holder of a Mehwassi Estate" shall be inserted.

(3) In section 3, after clause (*22*), the following clause shall be inserted, namely :—

"(23) 'Mehwassi Estate' means the villages specified in Schedule I. to the West Khandesh Mehwassi Estates Regulation, 1949, and 'a Mahwassi' means the holder of the said Estate and 'Mehwassi land' means land comprised in the territory of the said Estate ;" Bom. Regulation No. of 1949.

(4) In section 38, after the words "unalienated portions of villages", the words "or in a village comprised in a Mehwassi Estate" shall be inserted.

(5) In section 46,—

(*i*) after the words "any holder of alienated land" the words "or a Mehwassi" shall be inserted ;

(*ii*) after the words "the said holder" the words "or Mehwassi, as the case may be," shall be inserted.

(6) In section 56,—

(*i*) after the words "alienated holding" where they occur for the first and second times, the words "or Mehwassi land" shall be inserted ;

(*ii*) for the words "such occupancy or alienated holding" wherever they occur and for the words "such occupancy or holding" the words "such occupancy, holding or land" shall be substituted.

(7) In section 57,—

(*i*) for the words "a holding" the words "a holding or land" shall be substituted ;

(*ii*) for the words "such holding" the words "such holding or land" shall be substituted.

(8) In section 58, after the words "share of a village" wherever they occur, the words "or of a village comprised in Mehwassi Estate" shall be inserted.

(9) In section 69, after the word "unalienated" the words "or Mehwassi" shall be inserted.

(10) In section 76, after the words "alienated land" the words "or any Mehwassi land" shall be inserted.

(11) In section 80,—

(*i*) after the words "an occupancy" the words "or any Mehwassi land" shall be inserted ;

(*ii*) after the word "occupant" wherever it occurs, the words "or holder" shall be inserted.

(12) In section 85, sub-section (*1*), after the words "alienated share of a village" the words "or of a village comprised in a Mehwassi Estate" shall be inserted.

(13) In section 94A, sub-section (*1*), after the words "alienated share of a village" the words "or of a village comprised in a Mehwassi Estate" shall be inserted.

(14) In section 111, after the word "estate" where it occurs for the first time the words "including a Mehwassi Estate" shall be inserted.

(15) In section 118, after the word "alienated" wherever it occurs the words "or Mehwassi" shall be inserted.

(16) In section 136, sub-section (*1*), after the words "alienated land" the words "or Mehwassi land" shall be inserted.

(17) In section 150,—

(*i*) in clause (*b*), after the words "alienated holding" the words "or Mehwassi land" shall be inserted;

(*ii*) in clause (*f*), after the words "alienated holding" the words "or any Mehwassi land" shall be inserted.

(18) In section 153, after the words "alienated holding" wherever they occur the words "or any Mehwassi land" shall be inserted.

(19) In section 159, after the word "holding" the words "or land" shall be inserted.

(20) In section 181, after the words "or alienated holding" the words "or any Mehwassi land" shall be inserted.

(21) In section 214, in clause (*d*) of sub-section (*2*), after the words "unalienated land" the words "or Mehwassi land" shall be inserted.

(22) In section 216, sub-section (*1*), after the words "alienated shares of villages" the words "and villages or share of villages comprised in Mehwassi Estates" shall be inserted.

(23) In section 217, after the words "alienated villages" the words "or a village or the share of a village comprised in a Mehwassi Estate" shall be inserted.

(24) In section 218, after the word "alienated", wherever it occurs, the words "or Mehwassi" shall be inserted.

SCHEDULE III.

(*See* section 7.)

The enactment repealed.

Rules for the Civil administration in the villages of Mehwassi Chiefs made under Act XI of 1846 by Government of Bombay Notification (Judicial Department), No. 1854, dated the 17th March 1864, as amended by Government Notification (Judicial Department) No. 9866, dated the 20th October 1920.

BOMBAY ACT No. III OF 1950.[1]

[THE BOMBAY APPROPRIATION ACT, 1950.]

[*30th March 1950*]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1951.

WHEREAS by virtue of article 204 of the Constitution of India it is necessary to provide for the passing of an Appropriation Act for the appropriation of sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March, 1951 ; and for the purpose of authorising payment of the said sums ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Appropriation Act, 1950.

Issue of Rs. 1,98,78,90,800 out of the Consolidated Fund of the State of Bombay for the year 1950-51.

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 1,98,78,90,800 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1951, in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1951.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
1	Land Revenue ...	7, Land Revenue ...	1,45,47,000	15,21,000	1,60,68,000
2	Provincial Excise ...	8, Provincial Excise ...	81,50,000	.....	81,50,000
3	Stamps ...	9, Stamps ...	4,93,000	.....	4,93,000
4	Forest ...	10, Forest ...	1,25,83,000	33,000	1,26,16,000
5	Registration ...	11, Registration ...	15,37,000	.....	15,37,000
6	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	12,25,500	1,00,12,500	1,12,38,000
7	Other Taxes and Duties	13, Other Taxes and Duties.	70,68,000	.....	70,68,000
8	Interest on works for which Capital accounts are kept—Irrigation works.	17, Interest on works for which capital accounts are kept—Irrigation Works.	.....	54,11,000	54,11,000
9	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses and 18, Other revenue expenditure financed from ordinary revenues.	1,11,12,900*	.....	1,11,12,900
10	Interest on debt and other obligations.	22, Interest on debt and other obligations.	.....	62,18,000	62,18,000
11	Appropriation for reduction or avoidance of debt.	23, Appropriation for reduction or avoidance of debt.	.....	59,34,000	59,34,000
		Carried over ...	5,67,16,400	2,91,29,500	8,58,45,900

* Made up as shown below :—

	Rs.
XVII—*Deduct*—Working Expenses	29,54,800
18, Other revenue expenditure financed from ordinary revenues—Public Works.	49,19,100
Do. do. do. do. do. Civil ...	32,39,000
	1,11,12,900

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, p. 159.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
		Brought forward ..	5,67,16,400	2,91,29,500	8,58,45,900
12	General Administration	25. General Administration.	3,61,71,000	11,16,000	3,72,87,000
13	Administration of Justice	27, Administration of Justice.	1,62,00,400	22,17,600	1,84,18,000
14	Jails and convict Settlements.	28, Jails and Convict Settlements.	68,98,000	....	68,98,000
15	Police ..	29, Police ..	8,80,52,000	....	8,80,52,000
16	Ports and Pilotage ..	30. Ports and Pilotage ..	5,000	....	5,000
17	Dangs ..	33. A Dangs District ..	28,10,000	....	28,10,000
18	Scientific Departments	36, Scientific Departments	5,46,000	....	5,46,000
19	Education	37, Education ..	12,37,36,000	....	12,37,36,000
20	Medical ..	38, Medical ..	2,40,13,000	....	2,40,13,000
21	Public Health ..	39. Public Health ..	1,86,99,000	....	1,86,99,000
22	Agriculture ..	40, Agriculture ..	2,78,26,000	....	2,78,26,000
23	Veterinary ..	41, Veterinary ..	48,33,000	....	48 33,000
24	Co-operation ..	42, Co-operation ..	1,07,81,000	....	1,07,81,000
25	Industries ..	43, Industries ..	53,74,000	....	53,74,000
26	Miscellaneous Departments (except Labour)	47, Miscellaneous Departments.	2,91,73,100	....	2,91,73,100
27	Labour ..	47, Miscellaneous Departments.	44,74,900	....	44,74,900
28	Civil Works ..	50, Civil Works ..	5,00,19,600‡	4,12,000	5,04,31,600
		Carried over ..	50,63,28,400	3,28,75,100	53,92,03,500

‡Made up as shown below:—

	Voted. Rs.	*Charged.* Rs.
50, Civil Works	4,19,36,000	4,12,000
XVII—*Deduct*—Working Expenses—		
Establishment	4,74,400	....
Tools and Plant	19,800	....
18, Other Revenue Expenditure—		
Establishment	7,96,400	....
Tools and Plant	66,500	....
XLI Receipts from Electricity Schemes— *Deduct*—Working Expenses—		
Establishment	3,100	....
Tools and Plant	300	....
51, Bombay Development Scheme—		
Establishment	1,97,400	....
Tools and Plant	16,400	....
68, Construction of Irrigation, etc., works—		
Establishment	30,52,000	....
Tools and Plant	2,54,300	....
81, Capital Account of Civil Works, etc.—		
Establishment	29,56,600	....
Tools and Plant	2,46,400	....
	5,00,19,600	4,12,000

Serial No.	Services and purposes.	Heads of Account.	Sums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
		Brought forward ..	50,63,28,400	3,28,75,100	53,92,03,500
29	Bombay Development Scheme	51, Bombay Development Scheme.	14,60,200	....	14,60,200
30	Electricity Schemes ..	XLI—Receipts from Electricity Scheme—*Deduct*—Working expenses.	12,61,600	....	12,61,600
31	Other Revenue Expenditure etc.	52-A, Other Revenue Expenditure connected with Electricity Schemes.	2,69,70,000	....	2,69,70,000
32	Famine ..	54, Famine ..	12,99,000	....	12,99,000
33	Political Pensions ..	54-A, Political Pensions.	15,43,000	94,60,000	1,10,03,000
34	Superannuation Allowances and Pensions.	55, Superannuation Allowances and Pensions.	1,73,73,000	6,61,000	1,80,34,000
35	Stationery and Printing.	56 Stationery and Printing.	65,78,000	....	65,78,000
36	Miscellaneous ..	57, Miscellaneous ..	1,90,60,000	....	1,90,60,000
37	Civil Defence ..	64-B, Civil Defence ..	62,000	....	62,000
		Total Expenditure on revenue account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	58,19,35,200	4,29,96,100	62,49,31,300
38	Irrigation ...	68, Construction of Irrigation, etc., Works.	2,89,15,700	....	2,89,15,700
39	Public Health ..	70, Capital Outlay on Improvement of Public Health.	38,83,000	....	38,83,000
40	Industrial Development.	72, Capital Outlay on Industrial Development.	1,40,27,000	....	1,40,27,000
		Carried over	4,68,25,700	....	4,68,25,700

Serial No.	Services and purposes.	Heads of Account.	Sums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
		Brought forward ..	4,68,25,700	....	4,68,25,700
41	Bombay Development Scheme.	80, Bombay Development Scheme.	5,500	....	5,500
42	Civil Works ..	81, Capital Account of Civil Works outside the Revenue Account.	1,15,18,000	....	1,15,18,000
43	Electricity Schemes ..	81-A, Capital Outlay on Electricity Schemes.	1,29,000	....	1,29,000
44	Housing for Displaced Persons and Milk Scheme.	82, Capital Account of other Provincial Works outside the Revenue Account.	3,03,70,000	....	3,03,70,000
45	Payments of Commuted value of Pensions.	83, Payments of Commuted Value of Pensions.	6,40,000	....	6,40,000
46	Provincial Scheme Connected with the State Trading.	85-A, Capital Outlay on Provincial Schemes of State Trading.	1,18,77,95,500	23,60,800	1,19,01,56,300
		Total Capital Expenditure outside the Revenue Account.	1,27,72,83,700	23,60,800	1,27,96,44,500
47	Advances repayable ..	Advances repayable ..	11,00,000	....	11,00,000
48	Loans and Advances bearing interest.	Loans and Advances by Provincial Government.	6,21,86,000	....	6,21,86,000
49	Loans from the Central Government.	Loans from the Central Government.	....	86,71,000	86,71,000
50	Provincial Road Fund ..	Provincial Road Fund ..	....	1,13,58,000	1,13,58,000
		Total Disbursement under Debt Heads.	6,32,86,000	2,00,29,000	8,33,15,000
		Grand Total ..	1,92,25,04,900	6,53,85,900	1,98,78,90,800

THE BOMBAY MERGED STATES (LAWS) ACT, 1950.

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BOMBAY ACT No. IV OF 1950.[1]

[THE BOMBAY MERGED STATES (LAWS) ACT, 1950.]

[*30th March 1950*]

Amended by Bom. 44 of 1950.
" " " 46 of 1950.
" " " 21 of 1951.

An Act to extend certain Acts and Regulations to certain areas administered as parts of the State of Bombay.

26 Geo. 5, Ch. 2. WHEREAS by order under section 290A of the Government of India Act, 1935, provision had been made for the administration of certain areas comprised in the merged States as if they formed part of the Province of Bombay;

Bom. Ordinance No. VI of 1949. AND WHEREAS the Bombay Merged States (Laws) Ordinance, 1949, has been promulgated under section 88 of the said Act extending certain Acts and Regulations to the said merged States;

AND WHEREAS the territory of the State of Bombay now comprises the territories of the said merged States;

AND WHEREAS it is expedient to extend certain Acts and Regulations to the said areas;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Merged States (Laws) Act, 1950.

Definitions.

2. In this Act, the expression "merged States" has the same meaning as in the States' Merger (Governors' Provinces) Order, 1949.

Extension of laws.

3. (*1*) All the Acts and Regulations, specified in the First Schedule, and so much of the Acts and Ordinance specified in the Second Schedule as relates to matters with respect to which the State Legislature has power to make laws are hereby extended to, and shall be in force in the merged States.

(*2*) The Acts specified in the first column of the Third Schedule shall be amended in their application to the merged States specified in the second column in the manner set forth in the third column of that Schedule.

(*3*) (*a*) Subject to the provisions of clause (*b*) and the proviso to sub-section (*1*) of section 4, all appointments, delegations, notifications, orders, bye-laws, rules and regulations made, issued or prescribed under any Act, Ordinance or Regulation hereby extended to the merged States shall be deemed to extend to and be in force in the merged States.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, p. 137.

(*b*) Where any such appointment, delegation, notification, order, bye-law, rule or regulation has been made, issued or prescribed in respect of any specified local area, it shall be deemed to extend to and to be in force also in any area of the merged States which has been included in such local area under any law for the time being in force.

Repeal of corresponding laws.

4. (*1*) If immediately before the commencement of this Act, there is in force in any of the merged States an Act, Ordinance, Regulation or any other law corresponding to an Act, Ordinance or Regulation specified in the First or Second Schedule, whether by virtue of an Order under the Extra-Provincial Jurisdiction Act, 1947 applying that Act, Ordinance or Regulation or by virtue of any other legislative power, such law corresponding to the Act or Regulation specified in the First Schedule or any part of such law corresponding to so much of an Act or Ordinance specified in the Second Schedule as relates to matters with respect to which the State Legislature has power to make laws, shall upon the commencement of this Act cease to have effect in any such merged State : XLVII of 1947.

Provided that all appointments, delegations, notifications, orders, bye-laws, rules and regulations which have been made, issued or prescribed under such law or any part of such law exclusively in respect of any area of the merged States forming part of the Districts of Banas Kantha, Sabar Kantha, Mehsana, Amreli, Baroda and Kolhapur and in force immediately before the commencement of this Act in any such area shall be deemed to have been made, issued or prescribed under the corresponding provision of the Act, Ordinance or Regulation extended to the merged States under section 3 and shall continue in force until it is altered, repealed or amended by a competent authority.

(*2*) Without prejudice to the generality of, and subject to the provisions contained in sub-section (*1*), the laws specified in the Fourth Schedule shall cease to have effect and are hereby repealed.

Certain laws to continue in force in certain States.

5. Notwithstanding anything contained in the foregoing provisions the enactments specified in the first column of the Fifth Schedule shall continue in force in the merged States specified in the second column of that Schedule as if they are enacted by the State Legislature until they are altered, repealed or amended by the said Legislature or any other competent authority.

Saving of Limitation.

6. Notwithstanding anything contained in this Act, if the period of limitation prescribed by the Indian Limitation Act, 1908, for any suit, appeal or application is less than the period prescribed by any corresponding law in force in the merged States immediately before the commencement of an Order applying to any of the said States, the Indian Limitation Act, 1908, under the Extra-Provincial Jurisdiction Act, 1947, such suit, appeal or application may be instituted within two years next after the date of the commencement of such order or within the period prescribed by such corresponding law, whichever period first expires. IX of 1908. IX of 1908. XLVII of 1947.

Repeal.

7. The Bombay Merged States (Laws) Ordinance, 1949, is hereby repealed and it is hereby declared that the provisions of section 7 of the Bombay General Clauses Act, 1904, shall apply to the repeal, as if that Ordinance were an enactment. Bom. Ordinance No. VI of 1949. Bom. I of 1904.

Enactments.	Names of States.		Amendments.
1	2		3
The Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925)—*contd.*	Baroda.		Provided that the municipality may alter or cancel any such regular line if having regard to the needs of traffic— (*a*) it was before the aforesaid date classified by the municipality with the sanction of the Government of the former Baroda State, as unimportant, or (*b*) it is so classified by the municipality with the sanction of the State Government within two years from the commencement of the Bombay Merged States (Laws) (Second Amendment) Act, 1951."
		Bom. XXXII of 1951.	(*ii*) in sub-section (*3*), the following shall be added at the end, namely :— "*Explanation.*—For the purposes of this section, 'the regular line of the public street' shall include a regular line of public street prescribed or sanctioned by the Government of the former Baroda State at any time prior to the 30th day of July 1949".]
[1][The Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938).	All merged States	..	In sub-section (*3*) of section 1, the following proviso shall be added at the end, namely :— "Provided that in all merged States, Part III shall come into force on such date as may be specified by the State Government by notification in the *Official Gazette* in this behalf, notwithstanding the fact that the aforesaid period of two years or five years, as the case may be, may not have expired from the date on which Parts I and II may have come into force in any area forming part of the said States."]
[2][The Bombay Medical Act, 1912 (Bom. VI of 1912).	All merged States	..	After section 8, the following new section shall be inserted, namely :— "8A. Notwithstanding anything contained in section 7, every person— **Registration of medical practitioners registered in merged States.** (*a*) whose name, immediately before the date of merger of the State with the State of Bombay, stood registered as a medical practitioner in the register of medical practitioners maintained under any law for the time being in force in the merged State ; and (*b*) who holds any of the qualifications specified in the Schedule to the Indian Medical Council Act, 1933, or this Act, shall be deemed to be a medical practitioner registered under this Act.
		XXVII of 1933.	

[1] This entry was added by Bom. 44 of 1950, s. 2.
[2] These entries were added by Bom. 21 of 1951, s. 2.

Enactments.	Names of States.	Amendments.
1	2	3
The Bombay Medical Act, 1912 (Bom. VI of 1912)—*contd.*	All merged States	(2) If any question arises whether any person is deemed to be a registered medical practitioner under sub-section (1), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.''
The Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938).	All merged States ..	(1) After section 17, the following new section shall be inserted, namely:—
	Registration of persons registered in merged States.	''17A. (1) Notwithstanding anything contained in section 16, every practitioner, whose name immediately before the date of merger of the State with the State of Bombay, stood registered as a practitioner in the register of practitioners maintained under any law for the time being in force in the merged State corresponding to this Act shall be deemed to be a practitioner registered under this Act. (2) If any question arises whether any person is deemed to be a registered practitioner under sub-section (1), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.''
		(2) After section 18, the following new section shall be inserted, namely:—
	Registration of other persons registered in merged States.	''18-1A. (1) Any person other than the one specified in section 8A of the Bombay Medical Act, 1912, or section 17A of this Act, whose name immediately before the date of the merger of the State with the State of Bombay stood registered in the register maintained under any law for the time being in force corresponding to either of the aforesaid Acts shall be entered in the list. Bom. VI of 1912. (2) If any question arises whether a person is entitled to have his name entered in the list under sub-section (1), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.'']
[1][The Bombay Local Boards Act, 1923 (Bom. VI of 1923).	All merged States ...	To section 93, the following sub-section shall be added, namely:— ''(3) Notwithstanding anything contained in sub-section (1), the State Government may, having regard to the standard rate of assessment in any area, by notification in the *Official Gazette* direct that no cess shall be levied in such area for such period or that the cess shall be levied in such area for such period at such lower rate, as may be specified in the notification''.]

[1] This entry was added by Bom. 49 of 1953, s. 2.

Enactments.	Names of States.	Amendments.
1	2	3
The Bombay Sugarcane Cess Act. 1948 (Bom. LXXXII of 1948).	Ambaliara. Balasinor. Bansda. Baria. Bhaderwa. Cambay. Chota Udepur. Dharampur. Ghodasar. Idar. Ilol. Jambughoda. Jawhar. Katosan. Khadal. Lunawada. Malpur. Mansa. Mohanpur. Palanpur. Punadra. Radhanpur. Rajpipla (including Segbara). Ranasan. Sachin. Sanjeli. Sant. Sudasna. Surgana. Tharad. Valasna. Varsoda. Vasna. Vijaynagar. Wao.	In section 15, for the words and figures "first day of January, 1948" the word and figures "28th May 1948" shall be substituted.
The Bombay Sugarcane Cess Act, 1948 (Bom. LXXXII of 1948).	Danta ...	... In section 15, for the words and figures "first day of January 1948" the word and figures "4th November 1948" shall be substituted.
The Bombay District Municipal Act. 1901 (Bom. III of 1901).	Baroda ...	... After section 180 of the Bombay District Municipal Act, 1901 (Bom. III of 1901), the following section shall be inserted, namely :—
		"180-A. (*1*) Notwithstanding anything contained in the foregoing provisions of this Act, such rules, by-laws, or orders made, issued or sanctioned by or in respect of any of the Municipalities whether constituted under the A Class Municipalities Act (Baroda No. XII of 1949) or the B Class Municipalities Act (Baroda No. XIV of 1949) of the former Baroda State (hereinafter called "the said Municipalities" and "the said Baroda Municipalities Acts" respectively) as were in force immediately before the 30th day of July 1949 under the said Baroda Municipalities Acts, shall in so far as they are consistent with the provisions of the Bombay District Municipal Act, 1901 (Bom. III of 1901), shall be deemed to have been made, issued or sanctioned by or in respect of the said Municipalities under the appropriate provisions of the said Act on the said date and continue in force until altered, repealed or amended by a competent authority. (*2*) All references to the Baroda Government or to any Officer of the Baroda Government in any such rules, by-laws or orders shall be construed as references to the Government of Bombay or the corresponding officer of the Government of Bombay, as the case may be: and all licenses, permits or permission issued or given under any such rules, by-laws or orders shall also continue in force until superseded or modified by a competent authority."

Enactments.	Names of States.	Amendments.
1	2	3
[1][The Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938).	All merged States.	In sub-section (3) of section 1, the following proviso shall be added at the end, namely :— 'Provided that in all merged States, Part III shall come into force on such date as may be specified by the State Government by notification in the *Official Gazette* in this behalf, notwithstanding the fact that the aforesaid period of two years or five years, as the case may be, may not have expired from the date on which Parts I and II may have come into force in any area forming part the said States'.]
[2][The Bombay Medical Act, 1912 (Bom. VI of 1912).	All merged States.	After section 8, the following new section shall be inserted, namely :— Registration of medical practitioners registered in merged States. '8A. (1) Notwithstanding anything contained in section 7, every person— (a) whose name, immediately before the date of merger of the State with the State of Bombay, stood registered as a medical practitioner in the register of medical practitioners maintained under any law for the time being in force in the merged State; and (b) who holds any of the qualifications specified in the Schedules to the Indian Medical Council Act, 1933, or this Act, shall be deemed to be a medical practitioner registered under this Act. XXVII of 1933. (2) If any question arises whether any person is deemed to be a registered medical practitioner under sub-section (1), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.'
The Bombay Medical Practitioners' Act 1938 (Bom. XXVI of 1938).	All merged States.	(1) After section 17, the following new section shall be inserted, namely :— Registration of persons registered in merged States. '17A. (1) Notwithstanding anything contained in section 16, every practitioner, whose name immediately before the date of merger of the State with the State of Bombay, stood registered as a practitioner in the register of practitioners maintained under any law for the time being in force in the merged State corresponding to this Act shall be deemed to be a practitioner registered under this Act.

[1] This entry was added by Bom. 44 of 1950, s. 2.
[2] These entries were added by Bom. 21 of 1951, s. 2.

Enactments.	Names of States.	Amendments.
1	2	3
The Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938)—*contd.*	All merged States	(2) If any question arises whether any person is deemed to be a registered practitioner under sub-section (*1*), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.
		(2) After section 18, the following new section shall be inserted, namely :—
	Registration of other persons registered in merged States.	'18-1A. (*1*) Any person other than the one specified in section 8A of the Bombay Medical Act, 1912, or section 17A of this Act, whose name immediately before the date of the merger the State with the State of Bombay stood registered in the register maintained under any law for the time being in force corresponding to either of the aforesaid Acts shall be entered in the list. VI of 1922.
		(2) If any question arises whether a person is entitled to have his name entered in the list under sub-section (*1*), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final. ']

FOURTH SCHEDULE.

1. The Agricultural Banks Act, 1924 (Baroda Act XVIII of 1924).
2. The Caste-Tyranny Removal Act, 1933 (Baroda Act LV of 1933).
3. The Kolhapur Hill Station Act, 1945 (Kolhapur Act LXII of 1945).
4. The Sawantwadi Prevention of Malaria Act, 1947.

FIFTH SCHEDULE.

I	II
Enactments.	Names of States.
The Government Loan Rules, 1931	Baroda.
The Watan Rules, 1932	Baroda.
The Dabhel Simlak Madressa Act, 1941 (II of 1941) ...	Baroda.
The Hindu Act, 1937 (XXXVII of 1937) ...	Baroda.
The Maharaja Sayajirao University of Baroda Act, 1949 (XVII of 1949) as amended by the Baroda State (Application of Laws) Order, 1949.	Baroda.
The Okha Port Rules	Baroda.
The Rules (Digest) of Hindu Law, 1920 ...	Kolhapur.

BOMBAY ACT No. VI OF 1950.[1]

[THE BOMBAY KHOTI ABOLITION ACT, 1949.]

[*3rd April 1950*]

Amended by Bom. 18 of 1950.
" " " 3 of 1952.

An Act to abolish the khoti tenure in the [2][State of Bombay].

WHEREAS it is expedient to abolish the khoti tenure prevailing in the districts of Ratnagiri and Kolaba in the [2][State of Bombay] and to provide for certain consequential and incidental matters hereinafter appearing ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Khoti Abolition Act, 1949.

(*2*) It extends to the districts of Ratnagiri and Kolaba as constituted immediately before the thirtieth day of July 1948.

(*3*) It shall come into force on such date as the [3][State Government] may, by notification in the *Official Gazette*, specify.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*i*) " Code " means the Bombay Land Revenue Code, 1879 ;

Bom. V of 1879.

(*ii*) " dhara land " means land held by a dharekari and in the Ratnagiri district includes land held by a quasidharekari ;

(*iii*) " dharekari " means a landholder who holds land on the dhara tenure ;

(*iv*) " khot" includes,—

(*a*) a mortgagee lawfully in possession of a khotki,

(*b*) all co-sharers in a khotki ;

(*v*) " Khoti Act " means the Khoti Settlement Act, 1880 ;

Bom. I of 1880.

(*vi*) " khot's dues " means,—

(*a*) the rent paid to a khot by a quasidharekari or permanent tenant of khoti land in the district of Ratnagiri, in accordance with the provisions of section 33 of the Khoti Act, and

(*b*) the khoti fayda paid by any tenant of the khoti nisbat land in the district of Kolaba, in accordance with the terms of the Kabulayat or in accordance with the orders passed under section 38 of the Khots Leases Act, 1865, exclusive of the survey assessment due to the [3][State Government] and the cess leviable under section 93 of the Bombay Local Boards Act, 1923, in respect of such land ;

Bom. I of 1865.

Bom. VI of 1923.

(*vii*) " khoti khasgi land " means,—

(*a*) in the Ratnagiri District, khoti land held by and in possession of a khot other than khoti nisbat land and land held by a privileged occupant as defined in the Khoti Act ;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V, pp. 205-206.

[2] These words were substituted for the words " Province of Bombay " by Bom. 18 of 1950, s. 2 (*i*).

[3] These words were substituted for the words " Provincial Government ", *ibid*, s. 2 (*ii*).

(*b*) in the Kolaba District,—

(*i*) land which is entered in the khot's own name as khoti khasgi or in that of a co-sharer in a khotki in the records of the original survey ; and

(*ii*) land acquired since the original survey by the khot by purchase or other lawful transfer otherwise than in his capacity as a khot ;

(*viii*) " khoti land " means land in respect of which a khot had, as such, any right or interest in the district of Ratnagiri according to the provisions of the Khoti Act and in the district of Kolaba according to the custom of the tenure ;

(*ix*) " khoti nisbat land " means,—

(*a*) in the district of Ratnagiri land which in a khoti village before the coming into force of this Act has reverted to the khot under section 10 of the Khoti Act;

(*b*) in the district of Kolaba,—

(*i*) land in a khoti village which may have come into the possession of the khot by lapse for failure of heirs of a tenant or by forfeiture on the tenant's failure to pay rent or by the resignation of the tenant ;

(*ii*) land which may have been entered at the original survey in the khoti nisbat padit khata and since brought into cultivation otherwise than at the khot's own expenses ;

(*x*) " khoti village " means a village, or a portion or share of a village, to the extent to which a khot has any right or interest in such village, or portion or share thereof ;

(*xi*) " permanent tenant " means a holder of khoti land who has a permanent tenancy in such land ;

(*xii*) " quasidharekari " means a landholder of any of the denominations, named in the first column of the Schedule to the Khoti Act.

(*2*) Any word or expression which is defined in the Code and not defined in this Act shall be deemed to have the meaning given to it by the Code

(*3*) References in this Act to the provisions of the Khoti Act and the incidents of the khoti tenure shall, notwithstanding the repeal of the said Act and the abolition of the said tenure by this Act, be construed as references to the said provisions and incidents as they were in force immediately before this Act comes into force.

Abolition of khoti tenure.

3. With effect from and on the date on which this Act comes into force,—

(*1*) the khoti tenure shall, wherever it prevails in the districts of Ratnagiri and Kolaba, be deemed to have been abolished ; and

(*2*) save as expressly provided by this Act, all the incidents of the said tenure shall be deemed to have been extinguished, notwithstanding any law, custom, or usage or anything contained in any sanad, grant, kabulayat, lease, decree or order of any court or any other instrument.

Khot, dharekari and tenants to be occupants.

4. (*1*) (*a*) In the case of khoti khasgi land, the khot ;

(*b*) in the case of a dhara land, the dharekari or quasidharekari ;

(*c*) in the case of land held by a permanent tenant, the permanent tenant ;

(*d*) (*i*) in the case of khoti nisbat land, any tenant in possession of the land ; and

(*2*) Such application shall be made in the form prescribed by rules made under this Act [1][on or before the 31st day of March 1952].

(*3*) The Collector shall after holding a formal inquiry in the manner provided by the Code award such compensation as he deems reasonable and adequate :

Provided that—

(*a*) the amount of compensation for the extinguishment of the right of reversion in lands in a khoti village in the district of Ratnagiri shall not exceed the amount calculated at the rate of Rs. 2 per 100 acres of such land ;

(*b*) the amount of compensation for the extinguishment of any right to appropriate any uncultivated and waste lands not appropriated by any khot and not entered in the revenue or survey records as khoti khasgi immediately before the 1st day of August 1949, shall not exceed the amount calculated at the rate of Rs. 5 per 100 acres of such land :

Provided further that in the case of the extinguishment or modification of any other right of a khot or any right of any other person the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894 :

I of 1894.

Provided also that if any question arises whether any land is dhara, khoti khasgi or khoti nisbat or is held by a permanent tenant or other tenant, the Collector shall after holding a formal inquiry in the manner provided by the Code decide the question.

(*4*) Subject to the provisions of sub-section (*5*), the award or decision of the Collector shall be final.

(*5*) Any person aggrieved by the award or decision of the Collector may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939.

Bom. XII of 1939.

(*6*) In deciding appeals under sub-section (*5*), the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which a Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908.

V of 1908.

13. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal. Limitation.

IX of 1908.

14. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. Court-fees.

VII of 1870.

15. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any of the khoti lands or the mutual rights and obligations of a khot and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. Provisions of Bom. LXVII of 1948 to govern the relations of khot and tenants.

Bom. LXVII of 1948.

16. The [2][State Government] may make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication and shall, when finally made, be published in the *Official Gazette*. Rules.

[1] These words, figures and letters were substituted for the words " within six months from the date on which this Act comes into force " by Bom. 3 of 1952, s. 2 Schedule.

[2] These words were substituted for the words " Provincial Government " by Bom. 18 of 1950, s. 2 (*ii*).

Repeal.

17. The enactments specified in the schedule are hereby repealed to the extent specified in column 4 thereof:

Provided that the repeal of the said enactments and the provision declaring any incident of the khoti tenure to have been extinguished shall not in any way affect any legal proceeding pending at the date of the commencement of this Act and such legal proceeding shall be continued and finally disposed of as if this Act had not been passed.

SCHEDULE.

(*See* section 17.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1865	I	The Khots Leases Act, 1865	Sections 37 and 38.
1879	V	The Bombay Land Revenue Code, 1879 ..	Section 114.
1880	I	The Khoti Settlement Act, 1880	The whole.

BOMBAY ACT No. XVII OF 1950.[1]

[THE BOMBAY LOCAL AUTHORITIES ADULT FRANCHISE AND REMOVAL OF RESERVATION OF SEATS ACT, 1950.]

[*2nd May 1950*]

An Act to provide for adult franchise in elections to, and for the removal of reservation of seats except for women, Scheduled Castes and Scheduled Tribes in, local authorities in the State of Bombay.

WHEREAS it is expedient to provide for adult franchise in elections to local authorities and to remove the reservation of seats for certain classes ;

Bom. III of 1901. Bom. VI of 1923. Bom. XVIII of 1925. Bom. VI of 1933.

AND WHEREAS it is necessary to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, the Bombay Municipal Boroughs Act, 1925, and the Bombay Village Panchayats Act, 1933, for that purpose and for certain other purposes ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Local Authorities Adult Franchise and Removal of Reservation of Seats Act, 1950.

2-7. [*The amendments made by sections 2-7 (both inclusive) have been incorporated in the Bombay District Municipal Act, 1901 (Bom. III of 1901), the Bombay Local Boards Act, 1923 (Bom. VI of 1923), the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925), and the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933).*]

Saving.

8. Nothing in this Act shall affect the right of any Councillor or member elected to fill the seats reserved for Muslims or Muhammedans, Anglo-Indians or Indian Christians to continue as a Councillor or member of a municipality, local board or village panchayat, as the case may be, during the term of the office for which he was validly elected before this Act came into force.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950 Part V, pp. 186-187.

THE BOMBAY LEGISLATURE MEMBERS' DAILY ALLOWANCE ACT, 1950.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Daily allowance to be paid to members.
3. Avoidance of doubt.

BOMBAY ACT No. XXI OF 1950.[1]

[THE BOMBAY LEGISLATURE MEMBERS' DAILY ALLOWANCE ACT, 1950.]

[*5th May 1950*]

An Act to provide for payment of enhanced daily allowance to the members of the Bombay Legislature.

WHEREAS it is expedient to make provision for the payment of daily allowance to the members of the Bombay Legislature at a rate higher than that to which they were entitled immediately before the commencement of the Constitution of India; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Legislature Members' Daily Allowance Act, 1950.

Daily allowance to be paid to members.

2. With effect from the 26th day of January 1950, there shall be paid, subject to such rules as the State Government may make in this behalf, to each member of the Bombay Legislative Assembly and the Bombay Legislative Council a daily allowance at the rate of Rs. 10 for each day of the period of residence for the purpose of attending the session of such Assembly or Council or the meeting of a committee of such Assembly or Council, as the case may be, at the place where such session or meeting is held :

Provided that nothing in this section shall entitle a member to daily allowance if such member ordinarily resides or carries on business at the place where such session or meeting is held.

Avoidance of doubt.

3. For the avoidance of doubt it is hereby declared that nothing in this Act shall affect the right of a member of the Bombay Legislative Assembly or the Bombay Legislative Council to receive as such member, the salary and allowances (other than the daily allowance) which he is entitled to receive under article 195 of the Constitution at the rates and upon the conditions provided by or under the Bombay Legislature Members' Salaries and Allowances Act, 1937.

Bom. III of 1937.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, p. 216.

THE BOMBAY MERGED AREAS, ENCLAVES AND SPECIFIED AREAS (AMENDMENT OF LAWS) ACT, 1950.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title.

CHAPTER II.

AMENDMENT OF BOMBAY ACT NO. XXVIII OF 1947.

2. Definitions.

3. Amendment of Bombay Agricultural Debtors Relief Act, 1947, in its application to enclaves and specified areas.

CHAPTER III.

AMENDMENT OF BOMBAY ACT NO. XXX OF 1949.

4. Amendment of Bom. XXX of 1949.

SCHEDULE I.

SCHEDULE II.

BOMBAY ACT No. XXII OF 1950.[1]

[THE BOMBAY MERGED AREAS, ENCLAVES AND SPECIFIED AREAS (AMENDMENT OF LAWS) ACT, 1950.]

[*10th May 1950*]

An Act to amend the Bombay Agricultural Debtors Relief Act, 1947, in its application to certain areas and the Bombay Merged Areas (Amendment of laws) Act, 1949.

Bom. XXVIII of 1947.

Bom. XXX of 1949.

WHEREAS it is expedient to amend the Bombay Agricultural Debtors Relief Act, 1947, in its application to the areas included in and forming part of the State of Bombay under the States' Merger (Bombay) Order, 1950, the Provinces and States (Absorption of Enclaves) Order, 1950, and the India and Hyderabad (Exchange of Enclaves) Order, 1950, and to amend the Bombay Merged Areas (Amendment of Laws) Act, 1949, for the purposes hereinafter appearing; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called the Bombay Merged Areas, Enclaves and Specified Areas (Amendment of Laws) Act, 1950.

CHAPTER II.

AMENDMENT OF BOMBAY ACT No. XXVIII OF 1947.

Definitions.

2. In this Chapter, unless there is anything repugnant in the subject or context,—

(*1*) "enclave" means any of the areas specified in Schedule I appended to this Act;

(*2*) "specified area" means any of the areas specified in Schedule II appended to this Act.

Amendment of Bombay Agricultural Debtors Relief Act, 1947, in its application to enclaves and specified areas.

Bom. XXVIII of 1947.

3. Notwithstanding anything contained in the States' Merger (Bombay) Order, 1950, the Provinces and States (Absorption of Enclaves) Order, 1950, and the India and Hyderabad (Exchange of Enclaves) Order, 1950, the Bombay Agricultural Debtors Relief Act, 1947, shall, in its application to the areas specified in Schedules I and II appended to this Act, be subject to the following modifications:—

In the said Act—

(*1*) in section 2,—

(*a*) for clause (2) the following shall be substituted, namely:—

Bom. VII of 1925.

"(2) 'co-operative society' shall mean a society registered under any of the provisions corresponding to those contained in the Bombay Co-operative Societies Act, 1925, in force in any of the enclaves or specified areas, as the case may be, or a society registered under the said Act;"

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, pp. 213-214.

(*b*) in clause (5),—

(*i*) for the figures, letters and word "30th January 1940", wherever they occur, the figures, letters and word "25th January 1950" shall be substituted;

(*ii*) for the words "the date of the coming into operation of this Act or of the establishment of the Board concerned under the repealed Act" wherever they occur, the words, figures and letters "25th day of January 1950" shall be substituted;

(*2*) in section 4, for sub-section (*1*) the following sub-section shall be substituted, namely :—

"(*1*) Any debtor ordinarily residing in any local area or his creditor may make an application before the 31st October 1950 to the Court for the adjustment of his debts";

(*3*) in section 7, for the figures, letters and word "1st January 1938" the figures, letters and word "25th January 1950" shall be substituted;

(*4*) in section 22, the following proviso shall be added at the end, namely :—

"Provided further that where any amount due to a creditor is determined by a competent tribunal or authority under any law in force in any of the enclaves or specified areas, as the case may be, relating to the conciliation or adjustment of the debts of agriculturists corresponding to this Act, the amount so determined shall be binding on the parties.";

(*5*) in section 23, in the proviso, after the figures "1879" the words "or any enactment corresponding thereto" shall be inserted;

(*6*) in section 24, in sub-section (*2*), for the figures, letters and word "1st August 1947" the figures, letters and word "31st October 1950" shall be substituted;

(*7*) in section 25,—

(*a*) in clause (*i*), the words and figures "or by a Board established under section 4 of the repealed Act" shall be deleted;

(*b*) in clause (*ii*) for the figures, letters and words "15th day of February 1939" the figures, letters and word "25th January 1950" shall be substituted;

(*8*) in section 32, in sub-section (*2*),—

(*a*) for clause (*c*), the following clause shall be substituted, namely :—

"(*c*) loans given by resource societies or by persons authorised to advance loans under section 54 for the financing of crops or for seasonal finance,";

(*b*) in the Explanation, the words "under the repealed Act" and the words "under this Act" shall be deleted;

(*9*) in section 56, in sub-section (*1*),—

XVII of 1879. Bom. XXVIII of 1939. XVII of 1879.

(*a*) for the words and figures "the Dekkhan Agriculturists' Relief Act, 1879, by the Bombay Agricultural Debtors Relief Act, 1939, the first mentioned Act" the words and figures "any enactment corresponding to the Dekkhan Agriculturists Relief Act, 1879, in force in any of the enclaves or specified areas, as the case may be, such enactment" shall be substituted;

(*b*) the words and brackets "with effect from the date of the coming into operation of this Act (hereafter in this section referred to as the said date)" shall be deleted;

(*c*) for the words "for a period of three years from the said date" the words, figures and letters "up to the 25th day of January 1953" shall be substituted;

(*d*) for the first proviso, the following proviso shall be substituted:—

"Provided that any proceeding in or out of any suit instituted on or before the 25th day of January 1953 shall be continued and disposed of after the said date as if the enactment corresponding to the Dekkhan Agriculturists' Relief Act, 1879, had continued in force after the said date."

CHAPTER III.

AMENDMENT OF BOMBAY ACT NO. XXX OF 1949.

4. [*The amendments made by section 4 have been incorporated in the Bombay Merged Areas (Amendment of Laws) Act, 1949 (Bom. XXX of 1949).*]

SCHEDULE I.

[*See* section 2 (*1*).]

(A) *Enclaves transferred from Rajasthan to Bombay.*

Mial village of former Jodhpur State.

(B) *Enclaves transferred from Saurashtra to Bombay.*

1. The following villages of former Limbdi State.—Fatepur, Gounjar, Pachham and Ratanpur.

2. Otaria and Sandhida villages of former Bhavnagar State.

3. The following villages of former Lakhtar State.—Jalampur, Karakthal, Kishol (Moti), Kishol (Nani), Rupavati, Wasan and Wasawa.

4. Mithapur and Odki villages of former Dasada State.

5. The following villages of former Jetpur State.—Khijidiya, Pania and Venivadar.

6. The following villages of former Lakhapadar Thana.—Ghadia, Kaner Lakhapadar, Nini-Garmli, Patla and Vaghavdi.

7. Khantadi village of former Eastern Kathiawar States Agency.

(C) *Enclaves transferred from Hyderabad to Bombay.*

1. Belwara village of Pátoda Taluka in District Bid.

2. Borgaon village of Osmanabad Taluka in District Osmanabad.

3. The following villages of Parenda Taluka in District Osmanabad.—Shelgaon, Sultanpur, Shirpad Pimpri, Anjangaon, Jamgaon (Byarg), Kevda, Sultanpur, Chavanvadi, Hatkarwadi, Kapsewadi, Dhanora, Manegaon, Bujrugwadi, Pachpundwadi, Kairao, Ridhore, Bhawarja (Byarg), Sindri Jagir, Upla village including hamlets of Wangiwadi, Irla and Tawarwadi.

4. Andewadi (J) village in District Gulburgá, Kakerbli Madbal, and Dholar villages in Jeevargi Taluq.

5. Bhatnoor and Nagarbetta villages in Taluq Shorapur.

6. Gadesankpur village in Taluq Lingsugur.

7. The following villages in Taluq Kushtagi.—

Mullapur (J), Sarjapur, Santagira, Baleguda, Chigalgundi, Hanamsagar, Kurbanna (J), Itgi (J), Gulguli (J), Mugli.

8. Hiralgundi (J) village in District Raichur.

9. The following villages of Tuljapur Taluka in District Osmanabad.—Raulgaon, Astha Pophali, Virwad Khurd, Shivni, Karamba (J), Warlegaon, Chikhelli (J), Yellamwadi, Pawarwadi, Bopla, Yekoda, Mangoli, Baborwadi, Waloja, Degaon, Sasoora, Ghorpadi, Daksal, Mansi, Bhagachiwadi, Kowtali, Saklewadi, Kahman, Maslachowadhari, Pudshli, Wangi, Ichgaon, Khaneshwar, Bhoir, Ranmasla Dharpal, Nanaj, Mohtechiwadi, Gharilachiwadi.

10. The following villages of Ashti Taluka in District Bid.—Kavadgaon, Hasnabad, Girvalli, Pimpalkhed, Chandi, Aghi, Khamgaon, Dhanora, Fakhirabad, Halgaon, Nanaj, Wagh, Javalki, Dhanegaon, Jawla, Tartgaon, Balegaon, Rodagaon, Borgaon, Dimeshwar.

Note.—'J' shown against a village indicates Jahagir.

SCHEDULE II.

[*See* section 2 (*2*).]

Areas of the former Sirohi State merged in the State of Bombay.

1. Abu Road.
2. Kesarganj.
3. Akra.
4. Manpur.
5. Santpur.
6. Ganka.
7. Khadat.
8. Umrani.
9. Kui.
10. Siawa.
11. Sangna.
12. Panduri.
13. Maval.
14. Redwa Mota.
15. Dona Kakar.
16. Dan Vav.
17. Mudarla.
18. Kiyara.
19. Kiyariya.
20. Khara.
21. Bhesa Sen.
22. Amba.
23. Mungthala.
24. Mirgarh.

25. Adaliya.
26. Aval.
27. Chandela.
28. Girwar.
29. Bageri.
30. Redwa Chhota.
31. Behadurpura.
32. Chanar.
33. Talvarankanaka.
34. Ambaveri.
35. Mahikheda.
36. Fatehpura.
37. Chotila.
38. Rokhada.
39. Muliya Mahadeo.
40. Forest Chotila.
41. Chandravati.
42. Upli Bor.
43. Upla Garh.
44. Upla Khejira.
45. Kiyariya.
46. Tokiya.
47. Dori.
48. Jambudi.
49. Jayadara.
50. Taleti.
51. Dotra.
52. Nichala Garh.
53. Nichli Bor.
54. Nichala Khejira.
55. Pava.
56. Buja.
57. Bori Buj.
58. Bosa.
59. Dhamariya.
60. Men.
61. Ranora.
62. Rada.
63. Surpagala.
64. Amthala.
65. Od.
66. Kar li.
67. Kivarli.
68. Tunka.
69. Derna.
70. Tartoli.
71. Vasada.
72. Morthala.
73. Deldar (Jagir).
74. Deldar (Devasthan).
75. Arna.
76. Oria.
77. Govagam.
78. Javai.
79. Dhundhai.
80. Torna.
81. Dilwara.
82. Salagam.
83. Achalgadn.
84. Masgam.
85. Sanigam.
86. Hetamji.
87. Block No. 4 (excluding all that portion to the west of a line drawn from western boundaries of Badarpura, Fatehpura, Maliakhera to south-west point of Block No. 3 and village Masgam).
88. Portion of Block No. 2 on south of the Abu Road.
89. Utraj Village Survey Nos. 771 to 785.

THE BOMBAY LOCAL AUTHORITIES CENSUS EXPENSES CONTRIBUTION ACT, 1950.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and extent.
2. Definitions.
3. Contribution by local authorities.
4. Obligation of local authority to give assistance.
5. Power to enforce orders.
6. Rules.

BOMBAY ACT No. XXIII OF 1950.[1]

[THE BOMBAY LOCAL AUTHORITIES CENSUS EXPENSES CONTRIBUTION ACT, 1950.]

[*10th May 1950*]

An Act to provide for contribution by local authorities to census expenses.

WHEREAS it is expedient to make provision for contribution by local authorities of a portion of the expenses incurred in connection with the taking of any census in the State of Bombay and for certain other purposes hereinafter appearing; It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Bombay Local Authorities Census Expenses Contribution Act, 1950.

(*2*) It extends to the whole of the State of Bombay.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

XXXVII of 1948.

(*1*) "Census Act" means the Census Act, 1948;

(*2*) "census" means a census taken in accordance with the provisions of the Census Act;

(*3*) "prescribed" means prescribed by rules made under this Act.

Contribution by local authorities.

3. (*1*) Notwithstanding anything contained in any enactment in regard to the funds of any local authority, the State Government may direct that such portion of any expenses as may be prescribed, incurred for anything done in accordance with the Census Act or the rules made thereunder, may be charged to the funds of any local authority constituted for and on behalf of the area within which such expenses were incurred.

(*2*) The sum directed to be charged under sub-section (*1*) shall be computed and paid in the prescribed manner.

Obligation of local authority to give assistance.

4. Every local authority shall be bound to give such assistance in connection with census as it may be called upon to give by an order made under section 6 of the Census Act.

Power to enforce orders.

5. If the State Government after receiving a report from the District Magistrate or the Superintendent of Census Operations is satisfied that a local authority has failed to make payment of the expenses or costs as required by or under section 3 of this Act or section 16 of the Census Act or has made default in performing any duty imposed upon it by or under this Act or the Census Act, the State Government may make such order or take such steps as it may consider expedient for securing the payment of such expenses or costs or the performance of such duty, as the case may be.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, pp. 201-202.

Rules.

6. (*1*) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the portion of the expenses incurred in connection with the taking of a census which may be charged under this Act to the funds of any local authority ;

(*b*) the manner in which the sums charged under this Act shall be computed and paid ;

(*c*) the manner in which and the extent to which any duty in connection with the taking of a census shall be performed by a local authority.

BOMBAY ACT No. XXIV OF 1950.[1]

[THE POONA UNIVERSITY (AMENDMENT) ACT, 1950.]

[*10th May 1950*]

An Act to amend the Poona University Act, 1948.

Bom. XX of '8.

WHEREAS it is expedient to amend the Poona University Act, 1948, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Poona University (Amendment) Act, 1950.

2-3. [*The amendments made by sections 2 and 3 have been incorporated in the principal Act.*]

Members from municipalities in Satara District and from District Local Board, Satara, to cease to be members of Court.

4. The member elected by the District Local Board of the Satara District and the member elected by the municipalities in the Satara District shall cease to be members of the Court with effect from such date as the State Government may appoint in this behalf.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part. V, p. 204.

THE BOMBAY STATE ROAD TRANSPORT ACT, 1950.

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7. Restrictions on use of controlled routes.

8. Compensation.

9. Exemption from necessity of permits.

10. Chapter VIII of principal Act not to apply to vehicles of Corporation.

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34. Corporation to take over existing Staff of Road Transport Department.

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38. Limitation of Suits etc.

39. Powers of Board to delegate its powers and functions under Act, etc.

40. Power to make rules and regulations.

BOMBAY ACT No. XXV OF 1950.[1]

[THE BOMBAY STATE ROAD TRANSPORT ACT, 1950.]

[*26th May 1950*]

An Act to provide for enabling and facilitating the exercise of certain powers and the performance of certain functions by the Bombay State Road Transport Corporation.

XXII of 1948.

WHEREAS in exercise of powers vesting in the Government of Bombay under the Road Transport Corporations Act, 1948, the Bombay Road Transport Corporation has been appointed ;

AND WHEREAS it is necessary to provide for enabling and facilitating the exercise of certain powers and the performance of certain functions by the said Corporation ;

AND WHEREAS it is expedient to empower the said Corporation to run stage carriages and public carriers services in the State ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay State Road Transport Act, 1950.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context—

XXXII of 1948.

(*a*) "Corporation" means the Bombay State Road Transport Corporation, appointed by the State Government under the Road Transport Corporations Act, 1948 ;

XXXII of 1948.

(*b*) "Corporation notification" means the notification issued under the Road Transport Corporations Act, 1948, appointing the Corporation ;

(*c*) "prescribed" means prescribed by rules made under this Act ;.

IV of 1939.

(*d*) "principal Act" means the Motor Vehicles Act, 1939 ;

(*e*) "transport authority" means the State Transport Authority or a Regional Transport Authority constituted by the State Government under section 44 of the principal Act ;

(*f*) "transport scheme" means a scheme for the administration of State road transport service.

(*2*) The words and expressions used in this Act, but not defined, shall have the same meanings assigned to them in the principal Act.

(*3*) The provisions of this Act shall be read and construed as forming part of the principal Act :

Provided that where any of the provisions of this Act is inconsistent with or repugnant to the provisions of the principal Act, the said provision of this Act shall prevail and the said provision of the principal Act shall be deemed to have been modified to the extent of such inconsistency or repugnancy.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, pp 198-99.

CHAPTER II.

POWERS AND FUNCTIONS OF CORPORATION FOR REGULATION OF ROAD TRANSPORT SERVICE.

Authority to Corporation to exercise powers under principal Act.

3. (*1*) Notwithstanding anything contained in the principal Act, subject however, to the provisions of this Act, the Corporation shall for the area in which it is empowered to operate, have power—

(*a*) to exercise all or any of the powers or perform all or any of the functions and duties of a licensing authority, registering authority and transport authority conferred or imposed by or under the principal Act or the rules made thereunder in respect of all or any of the vehicles belonging to or operated by or on behalf of the Corporation and in respect of all or any of the drivers, conductors, and such other personnel coming within the purview of the principal Act in the employ of the Corporation, subject to such exceptions and modifications as the State Government may by notification published in the *Official Gazette* specify in this behalf;

(*b*) to cancel or suspend in the prescribed manner any permit granted by any transport authority under Chapter IV of the principal Act if the Corporation in the public interest deems it necessary so to do in the interest of the proper administration of its services;

(*c*) to direct any person holding a stage carriage permit or public carrier's permit to continue to operate, for such period as the Corporation may in the public interest deem necessary, the services he has been operating under the principal Act, irrespective of the period for which such permit is valid.

(*2*) The provisions of section 60 or 64 of the principal Act shall not apply to such suspension or cancellation of a permit under sub-section (*1*).

(*3*) If the Corporation suspends or cancels any permit in exercise of its powers under clause (*b*) of sub-section (*1*), any person aggrieved by the order of suspension or cancellation may appeal to the State Government or such officer as the State Government may authorise in this behalf.

(*4*) Such appeal shall be filed within such period as may be prescribed. The State Government or the officer authorised shall, after following such procedure as may be prescribed, decide the appeal. The decision of the State Government or the officer authorised shall be final.

Power of Corporation to appoint officers to exercise and perform powers and duties under principal Act.

4. The Corporation may, with the previous approval of the State Government, by notification in the *Official Gazette*, direct that any power, function or duty conferred or imposed upon the Corporation under sub-section (*1*) of section 3 shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercised or discharged by such officer or authority as may be specified in the notification.

5. Notwithstanding anything contained in the principal Act, on the issue of a notification under sub-section (*1*) of section 3, the powers, functions and duties of the licensing authority, registering authority and transport authority, as the case may be, to be exercised, performed and discharged by each such authority in the area or region in which the Corporation is empowered to operate shall not be exercised, performed or discharged in such area or region by such authority in relation to transport vehicles which are the property of the Corporation and the drivers, conductors, and other personnel in the employ of the Corporation but shall be exercised, performed or discharged, as the case may be, by the Corporation or by the officer or authority empowered under section 4.

Powers of licensing authority, registering authority and transport authority under principal Act to be held in abeyance in certain event.

6. The Corporation may, if it deems that it is in the public interest so to do, select all or any of the routes in the area referred to in section 3 for the operation of its transport vehicles thereon, and declare such route or routes by notification in the *Official Gazette* as controlled route or routes for the purposes of this Act.

Controlled routes.

7. (*1*) On and after the date on which any route or routes has or have been declared by notification under section 6 as controlled route or routes, no permit granted by any transport authority under the provisions of the principal Act to any person shall be valid for the purpose of operating any transport vehicles or class of transport vehicles covered by such permit on the controlled route or routes unless such permit is countersigned by such officer as may be appointed by the Corporation in this behalf:

Restrictions on use of controlled routes.

Provided that the officer appointed under this section may alter, add or cancel any conditions included in such permit while making his countersignature:

Provided further that such countersignature on a permit shall not affect the power of the Corporation to cancel or suspend any such permit under section 3.

(*2*) On and after the date referred to in sub-section (*1*), no person shall, on any controlled route or routes, operate any transport vehicle or cause any transport vehicle to be operated unless he holds a permit which has been countersigned as provided in sub-section (*1*) or unless such permit is granted to him by the Corporation or the officer or authority appointed by the Corporation.

8. Where any stage carriage permit or public carrier's permit granted under the principal Act has been suspended or cancelled under section 3 or has become inoperative under section 7 there shall be paid to the permit holder compensation in accordance with the rules made under section 7 of the Road Transport Corporations Act, 1948.

Compensation.

XXXII of 1948.

9. Notwithstanding anything contained in the principal Act, the State Government may by order exempt the Corporation from obtaining a permit in respect of the vehicles belonging to or operated by the Corporation.

Exemption from necessity of permits.

10. (*1*) Nothing contained in Chapter VIII of the principal Act shall apply to vehicles belonging to or operated by the Corporation.

Chapter VIII of principal Act not to apply to vehicles of Corporation.

(*2*) The Corporation may, with the previous approval of the State Government, appoint an officer or a committee to settle claims against the Corporation, arising out of the damage caused by the vehicles belonging to or operated by the Corporation.

(*3*) The committee appointed under sub-section (*2*) shall be constituted in such manner and shall exercise such powers and perform such functions as may be prescribed.

Fixation of freight, rates and fares.

11. (*1*) Notwithstanding anything contained in section 43 of the principal Act, the Corporation may, from time to time, having regard to the local conditions, by notification in the *Official Gazette* and in any such other manner as may be prescribed, fix—

(*a*) freights for public carriers in respect of any goods or class of goods;

(*b*) fares for stage carriages to be applicable throughout the area in which the Corporation is empowered to operate or special fares to be applicable on any route, in such area.

(*2*) The State Government may direct the Corporation to alter the freights or fares generally or on any specified route or in any specified area as the State Government may deem fit and the Corporation shall alter the freights or fares accordingly.

(*3*) Any alteration in the freights or fares made under sub-section (*2*) shall not come into force unless it is notified by the Corporation in the prescribed manner.

Maximum number of passengers.

12. The Corporation shall determine the maximum number of passengers and the maximum amount of luggage which shall be carried on any specified stage carriage belonging to or operated by the Corporation at any one time and shall exhibit the number of passengers or amount of luggage so fixed in a conspicuous manner in each stage carriage in such regional language as the Corporation may determine.

Power of Corporation to authorise use of its motor vehicles with restrictions on load and speed limit.

13. Notwithstanding anything contained in the principal Act and rules made thereunder, the Corporation may authorise the use of any motor vehicle belonging to or operated by the Corporation with such restriction on the load and the speed limits as may be deemed fit consistent with the conditions of the road and the safety of the passengers :

Provided that the State Government may direct the Corporation to alter or modify the restrictions imposed by the Corporation under this section and such direction shall be given effect to by the Corporation.

Carriage of goods or luggage by transport vehicle at owner's risk.

14. Notwithstanding anything contained in any law for the time being in force, any goods or luggage delivered to the Corporation for carriage by any vehicle belonging to or operated by the Corporation shall be carried absolutely at the owner's risk and the Corporation shall in no way be liable for loss, damage, destruction or misdelivery of the said goods or luggage.

Indemnity.

15. (*1*) Where the ticket or receipt given for any luggage or goods is not forthcoming, the Corporation may withhold delivery of the goods or luggage until the person entitled in its opinion to receive the said goods or luggage has given an indemnity to the satisfaction of the Corporation against the claims of any other person or persons with respect to the goods or luggage :

Provided that failure or omission on the part of the Corporation to demand such indemnity shall not be deemed as acceptance by the Corporation of any responsibility against misdelivery or non-delivery of such goods or luggage.

(*2*) Where any goods which have come into the possession of the Corporation for carriage are not claimed by the owner or other person appearing to the Corporation to be entitled thereto, the Corporation shall, if such owner or person is known, cause a notice to be served upon him requiring him to remove the goods.

(*3*) If such owner or person is not known or the notice cannot be served upon him or he does not comply with the requisition in the notice, the Corporation may within a reasonable time, subject to the provisions of any other enactment for the time being in force, sell the goods in the prescribed manner, rendering the surplus, if any, of the proceeds of the sale to any person entitled thereto.

16. Notwithstanding anything contained in section 14 or 15 the Corporation may pay compensation upto the prescribed limit to any person for any loss resulting from a negligent act of an employee of the Corporation. **Compensation to passengers in certain cases.**

17. The Corporation may, if it deems fit, refuse to accept any goods or class of goods or luggage for transport in any vehicle belonging to or operated by the Corporation without assigning any reasons. **Corporation not bound to accept goods for transport.**

CHAPTER III.

Offences and Penalties.

18. (*1*) Whoever operates any transport vehicle after the permit in respect thereof has been cancelled or suspended under clause (*b*) of sub-section (*1*) of section 3 shall, on conviction, be punished— **Penalty for contravening section 3.**

(*i*) for a first offence with fine which may extend to one hundred rupees and in default of payment of fine with imprisonment for a term which may extend to one month;

(*ii*) for a subsequent offence with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees.

(*2*) Whoever fails to comply with any directions under clause (*c*) of sub-section (*1*) of section 3 shall, on conviction, be punished—

(*i*) for a first offence with simple imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees or with both ;

(*ii*) for a subsequent offence with rigorous imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

19. Whoever operates a transport vehicle in contravention of the provisions of section 7 shall, on conviction, be punished :— **Penalty for contravention of section 7.**

(*i*) for a first offence with simple imprisonment for a term which may extend to two months or with fine which may extend to five hundred rupees or with both ;

(*ii*) for a subsequent offence with rigorous imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

Travelling in stage carriage without ticket.

20. (*1*) No person shall travel in any stage carriage operated by the Corporation unless he has with him a proper ticket issued for the specific journey by an employee of the Corporation authorised to issue such ticket.

(*2*) Whoever travels in a stage carriage in contravention of the provisions of sub-section (*1*) shall, on conviction, be punished with fine which may extend to twenty rupees in addition to the payment of fare due from him and may be removed from the stage carriage by any person in the employment of the Corporation.

Drunkenness on stage carriage.

21. If any person in any stage carriage belonging to or operated by the Corporation is in a state of intoxication, such person shall be liable to be removed from the stage carriage by any employee of the Corporation, and shall not be entitled to the refund of any fare paid by him.

Occupying seat in stage carriage already reserved or entering therein when already full.

22. If a passenger, having entered a stage carriage belonging to or operated by the Corporation occupies a seat which is reserved for the use of another passenger or which already contains the maximum number of passengers exhibited therein under section 12 or in any way misbehaves so as to cause annoyance to other passengers, refuses to leave it when required to do so by any person in the employment of the Corporation, he shall, on conviction, be punished with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees or with both.

Unlawfully bringing dangerous or offensive goods upon transport vehicles of Corporation.

23. (*1*) No person shall be entitled to take with him any dangerous or offensive goods upon any vehicle belonging to or operated by the Corporation or tender or deliver any such goods for carriage upon such vehicle, without declaring that they are dangerous or offensive, as the case may be.

(*2*) Whoever carries any dangerous or offensive goods in contravention of the provisions of sub-section (*1*) shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both and shall also be responsible for any loss, injury or damage which may be caused by reason of such goods having been so brought upon such vehicle.

Spoiling or causing damage to transport vehicles or property of Corporation.

24. If a person wilfully spoils or causes any damage to the vehicle belonging to or operated by the Corporation or other property of the Corporation or defaces any advertisement, poster or document set up or posted in or outside any such vehicle or any property of the Corporation, he shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees in addition to the amount due on account of the loss caused to the Corporation. Such amount shall be recoverable as fine.

General provision for punishment of offence.

25. Whoever contravenes any provision of this Act or of any rule made under this Act shall, if no other penalty is provided for the offence, be punished with fine which may extend to twenty rupees and in default of payment of fine with imprisonment for a term which may extend to seven days or, if having been previously convicted of any offence under this Act, he is again convicted of the same offence under the Act, with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

26. No court inferior to that of a Presidency Magistrate or a Magistrate of the Second Class shall try any offence punishable under this Act or the rules made thereunder. Jurisdiction of Court.

27. (*1*) It shall be lawful for any person who is accused of an offence under this Act or rules thereunder to pay as penalty in the prescribed manner and in the prescribed time and to the prescribed officer by way of composition for the offence with which he is accused such sum as may be prescribed. Composition of offences.

(*2*) On payment by such person, such person if in custody shall be set at liberty and if any proceedings in any criminal Court have been instituted against such person in respect of such offence, the composition shall be deemed to amount to an acquittal and no further criminal proceedings shall be taken against such person in respect of such offence.

28. With effect from the date on which this Act comes into force, the principal Act, in its application to the State of Bombay, shall be amended as follows, namely :— Effect of this Act on other provisions of principal Act.

(*1*) for clause (*a*) of sub-section (*3*) of section 42 of the principal Act, the following shall be substituted, namely :--

"(*a*) to any transport vehicle owned by or on behalf of the Central Government or a State Government",

(*2*) clauses (*iii*) and (*iv*) of sub-section (*1*) of section 43 of the principal Act shall be deleted;

(*3*) section 48A and clause (*hh*) of sub-section (*2*) of section 68 of the principal Act shall be deleted.

CHAPTER IV.

MISCELLANEOUS.

29. The Corporation shall, for all purposes, be deemed to be a local authority. Corporation to be local authority for all purposes.

30. (*1*) The Corporation may enter into an agreement with any person for the acquisition by purchase, lease or exchange of any land which is needed for the purpose of its transport schemes or any interest in such land or for compensating the arrears of any such right in respect of any deprivation thereof or interference thereto. Acquisition of land by Corporation.

(*2*) The Corporation may also take steps for the compulsory acquisition of any land or any interest therein required for the execution of its transport schemes in the manner provided by, and in accordance with, the Land Acquisition Act, 1894, and the acquisition of any land or any interest therein for such purpose shall be deemed to be acquisition for a public purpose within the meaning of the Land Acquisition Act, 1894.

I of 1894.

I of 1894.

31. (*1*) The State Government may entrust to the Corporation the execution of any transport scheme. On such entrustment the Corporation shall execute such scheme on such conditions as may be directed by the State Government. Entrustment of Road Transport Schemes to Corporation by Government.

(*2*) The Corporation may also undertake the work of construction, improvement, reconditioning or maintenance of roads, bridges or culverts used or likely to be used for the transport service conducted by the Corporation on such conditions as the State Government may determine.

Corporation to take over assets and liabilities of Road Transport Department.

32. All debts and expenditure incurred, all contracts entered into and all matters and things engaged or proposed to be done by, with or for the State Government for the purpose of any road transport scheme before the date on which this Act comes into force shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Corporation: and all suits and legal proceedings instituted or which may be instituted by or against the State Government shall be continued or instituted by or against the Corporation, as the case may be.

(*2*) All expenditure which the State Government may declare to have been incurred before the date on which this Act comes into force in connection with the state transport service shall be deemed to be a share capital contributed to the Corporation and all the assets acquired by such expenditure shall vest in the Corporation.

Loans may be guaranteed by Government.

33. Loans borrowed and bonds and stock issued by the Corporation may be guaranteed by the State Government as to the repayment of the principal and the payment of interest at such rate as may be fixed by the State Government:

Provided that any sum paid or any expenditure incurred by the State Government in pursuance of such guarantee shall be a charge on the Road Transport Fund and other assets of the Corporation, until it is repaid.

Corporation to take over existing staff of Road Transport Department.

34. (*1*) The Corporation shall take over and employ such of the existing staff serving in the State Transport Department of the State Government as the State Government may direct and every person so taken over and employed shall be subject to the provisions of this Act and the regulations made thereunder:

Provided that

(*a*) during the period of such employment of any permanent Government servant all matters relating to his pay, leave, retirement, allowance, pension, provident fund and other conditions of service shall be regulated by the Bombay Civil Services Rules or such other rules as may from time to time be made by the State Government;

(*b*) any such member shall have a right of appeal to the State Government against any order of reduction, dismissal or removal from service, fine or any other punishment.

(*2*) All permanent servants of the said staff taken over and employed by the Corporation under sub-section (*1*) shall have a lien on their posts in the service of the State Government and the period of their service under the Corporation shall on their reversion to the service of the State Government, be counted for their increments, pension and other matters relating to their service.

Members of Board, officers and servants of Corporation to be public servants.

35. All members of the Board of the Corporation and also officers, and servants of the Corporation whether appointed by the Central Government or the State Government or the Corporation, shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Protection of action taken under Act.

36. (*1*) No suit, prosecution, or other legal proceeding shall lie against any person in the employment of the Corporation for anything which is in good faith done or purported to be done under this Act.

(*2*) Save as otherwise provided in the Act, no suit or other legal proceeding shall lie against the Corporation for any damage caused or likely to be caused by anything in good faith done or purported to be done under this Act.

37. (*1*) The Corporation may sue in any Court of competent jurisdiction any person who may in any way cause or may appear likely to cause any injury to any property, rights or privileges of the Corporation. Power to sue, compromise and pay compensation.

(*2*) The Corporation may compound or compromise any suit instituted by it or against it, or in respect of any claim or demand arising out of any contract entered into by it under this Act or under the Corporation notification for such sum of money or other compensation as it shall deem sufficient :

Provided that no such compounding or compromise shall be made without the previous sanction of the State Government, if it relates to a sum of money in excess of a prescribed amount.

(*3*) The Corporation may make compensation out of the State Transport Working Fund to any person sustaining damage by reason of the exercise of the powers vested in it, its Board, committee, officers and servants under this Act or under the Corporation notification.

(*4*) The expenses of any civil or criminal proceedings prosecuted or defended on behalf of the Corporation or its officers or servants with the sanction of the Corporation may be paid out of the State Transport Working Fund.

38. No person shall commence any suit against the Corporation, its Board, committee, officer or servant or any person acting under the orders of the Corporation for anything done or purporting to have been done in pursuance of this Act or the Corporation notification without giving to the Corporation, Board, committee, officer, servant or any person two months previous notice in writing of the intended suit and of the cause thereof, nor after six months from the date of the act complained of, Limitation of suits, etc.

and in the case of any such suit for damages, if tender of sufficient awards shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

39. It shall be lawful for the Board of the Corporation to delegate any of its powers or functions under this Act or under the Corporation notification to any of its officers or authority subject to such conditions as it may think fit : Powers of Board to delegate its powers and functions under Act, etc.

Provided that such delegation shall not debar the Board from exercising any of the said powers or performing any of the said functions.

40. (*1*) The State Government may by notification in the *Official Gazette* make rules for the purpose of carrying into effect the provisions of this Act. Power to make rules and regulations.

(2) Without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters :—

(*a*) the manner of cancelling or suspending a permit under clause (*b*) of sub-section (*1*), the period within which an appeal shall be filed under sub-section (*3*), and the procedure to be followed in deciding such appeal under sub-section (*4*), of section 3 ;

(*b*) the procedure for settling claims arising out of accidents caused to or by the vehicles belonging to or operated by the Corporation and the manner of constituting committee and the powers and functions to be exercised and performed by the committee under section 10 ;

(*c*) the manner of notifying freights and fares or any alteration in freights and fares under section 11 ;

(*d*) the limit upto which compensation may be paid under section 16 ;

(*e*) the amount of penalty, the manner and time in which, and the officer to whom such amount by way of composition shall be paid under section 27 ;

(*f*) safety precautions relating to transport vehicles belonging to and operated by the Corporation and the powers and functions of the staff employed by the Corporation ;

(*g*) disposal of unclaimed goods and parcels consigned to the Corporation and of unclaimed goods, luggage or articles left in stage carriages or in the premises of the Corporation ;

(*h*) exemption from any of the provisions of the principal Act in respect of transport vehicles, which are the property of the Corporation and drivers, conductors and other personnel in the employ of the Corporation ;

(*i*) any other matter which is to be or may be prescribed.

(*3*) The Corporation may from time to time with the sanction of the State Government make regulations, not inconsistent with the provisions of this Act and the rules made thereunder, for carrying out the purposes of this Act ; in particular and without prejudice to the generality of the foregoing provision, the Corporation may make regulations for any of the following matters :—

(*a*) opening of new services or closing of any service on any route or routes and the procedure to be followed in respect thereof ;

(*b*) avoidance of preference to passengers and fixation of priorities in case of congestion ;

(*c*) prepayment of fares and freights ;

(*d*) advance booking ;

(*e*) levy of reservation fee ;

(*f*) classification of accommodation in stage carriages ;

(*g*) issue of tickets, season tickets, passes at concessional rates and complimentary passes ;

(*h*) production of tickets or passes by passengers when demanded ;

(*i*) grant of refund for unused tickets;

(*j*) payment of compensation under section 16;

(*k*) the conveyance in stage carriages of corpses or persons suffering from any infectious or contagious disease or goods likely to cause discomfort or injury to passengers and the inspection and disinfection of such carriages, if used for such purposes;

(*l*) the conditions subject to which goods may be carried on stage carriages partly or wholly in lieu of passengers.

(*4*) The rules and regulations made under this section may provide that any person contravening any such rule or regulation shall, on conviction, be punished with fine which may extend to such amount as may be specified in the rule or regulation.

(*5*) Power to make rules and regulations under this section shall be subject to the condition of previous publication.

(*6*) The rules and regulations made under this Act shall, when published, have the same effect, as if they were contained in this Act.

BOMBAY ACT No. XXVII OF 1950.[1]

[THE LAND ACQUISITION (BOMBAY AMENDMENT) ACT, 1950.]

[*21st June 1950*]

An Act to amend the Land Acquisition Act, 1894, in its application to the State of Bombay.

I of 1894.

WHEREAS it is expedient to amend the Land Acquisition Act, 1894, in its application to the State of Bombay for the purpose hereinafter appearing; It is hereby enacted as follows :—

Short title.

I of 1894.

1. This Act may be called the Land Acquisition (Bombay Amendment) Act, 1950.

Amendment of section 3 of Act I of 1894.

2. In section 3 of the Land Acquisition Act, 1894, after clause (*a*) the following new clause shall be inserted, namely :—

(*aa*) the expression "arable land" includes "garden land".

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part. V, page. 97.

THE BOMBAY COMMISSIONERS (ABOLITION OF OFFICE) ACT, 1950.

CONTENTS.

PREAMBLE.

SECTIONS.

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SCHEDULE.

BOMBAY ACT No. XXVIII OF 1950.[1]

[THE BOMBAY COMMISSIONERS (ABOLITION OF OFFICE) ACT, 1950.]

[*24th July 1950*]

An Act to abolish the office of the Commissioner in the State of Bombay and to make provisions consequent on such abolition.

WHEREAS it is expedient to abolish the office of the Commissioner and whereas it is necessary to make provision for matters consequent on such abolition and for certain other matters; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Commissioners (Abolition of Office) Act, 1950.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* specify.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Commissioner" means the Commissioner of a division and includes the Commissioner of Prohibition and Excise;

(*2*) "division" means the territories prescribed as a division under section 4 of the Bombay Land Revenue Code, 1879;

Bom. V of 1879.

(*3*) "existing law" means any enactment of a Legislature or other competent authority in relation to matters specified in Lists II and III in the Seventh Schedule to the Constitution in force immediately before the commencement of this Act and includes any rule, bye-law, regulation, order, notification or form made, prescribed or issued under any such enactment.

Construction of references to Commissioner in existing law.

3. With effect from the date of the commencement of this Act, the office of the Commissioner shall be abolished and subject to the provisions made in the Schedule, all existing laws shall, unless the context otherwise requires, be construed as if the references therein to the Commissioner were references to the State Government or to such authority as the State Government may, by a general or special order, appoint:

Provided that unless such general or special order otherwise directs, the State Government shall have and exercise the same power and control over the authority so appointed as it would have had and exercised over the Commissioner, and the authority so appointed shall also have and exercise the same power and control over the Collector and his subordinates as a Commissioner would have had and exercised, if this Act had not been passed.

Amendment of certain enactments.

4. The enactments mentioned in column 1 of the Schedule shall have effect as if the provisions specified in column 2 thereof were amended to the extent and in the manner in the said column 2.

Construction of references in instruments or documents.

5. All instruments or documents executed or made before the commencement of this Act under or with reference to any existing law or any enactment specified in the Schedule shall, unless the context otherwise requires, be construed as if

[1] For statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, Page 153.

references therein to the Commissioner were references to the State Government or to such authority as the State Government may appoint under section 3 or to such other authority as may be provided in the Schedule, as the case may be.

Pending legal proceedings.

6. If at the commencement of this Act any legal proceedings are pending to which a Commissioner is a party, the State Government or such authority as is provided by the provisions of this Act shall be deemed to be substituted for the Commissioner in the said proceedings.

Pending proceedings before the Commissioner.

7. All proceedings including proceedings by way of appeals, revision or review pending under any existing law before a Commissioner immediately before the commencement of this Act shall be transferred for disposal to the State Government or such authority as the State Government may appoint in this behalf:

Provided that if such proceeding is transferred for disposal to the authority appointed by the State Government, the decision of such authority shall be subject to an appeal or revision to the State Government in the same manner and to the same extent to which the decision of the Commissioner was subject under the existing law.

Saving.

8. Any appointment, notification, order, rule, regulation, by-law, form, instrument or document made, prescribed, issued or executed before the commencement of this Act by the Commissioner under or with reference to the provisions of any existing law shall be deemed to have been made, prescribed, issued or executed by the State Government or such authority as the State Government may appoint under section 3 or such other authority as may be provided in the Schedule, as the case may be, and shall be valid and in operation unless and until superseded or modified by an appointment, notification, order, rule, regulation, bye-law, form, instrument or document made, prescribed, issued or executed by a competent authority.

SCHEDULE.

(*See* sections 3, 4 and 5.)

Bombay Acts.

Enactments. 1	Amendments. 2
1. The Bombay Hereditary Offices Act (Bom. III of 1874).	In section 5, in sub-section (*1*), the words "or in the case of a mortgage, charge, alienation, or lease of not more than thirty years, of the Commissioner" shall be deleted. 2. In section 6,— (1) for the word "Commissioner" and the words "said Commissioner" the words "State Government" shall be substituted; (2) for the word "he" the word "it" shall be substituted.

Enactments. 1	Amendments. 2
	3. In section 45,— (1) in clauses (*f*) and (*h*), for the word "Commissioner" the words "State Government" shall be substituted; (2) in clause (*f*) for the word "he" the word "it" shall be substituted.
	4. In section 74, the words "the Commissioner and of" shall be deleted.
	5. In section 77, for the word "Commissioner" the words "State Government" shall be substituted.
	6. In section 79, the paragraph beginning with the words "The Provincial Government may delegate" and ending with the words "to impose" shall be deleted.
	7. In section 84, the words "a Commissioner or" shall be deleted.
2. The Bombay Land Revenue Code, 1879 (Bom. V of 1879).	For section 4, the following shall be substituted, namely :— "4. (*1*) The Chief Controlling authority in all matters connected with the land revenue shall vest in the State Government. Chief controlling authority in revenue matters. (*2*) The State Government may, by notification in the *Official Gazette*, prescribe the territories in the State which shall form a division and may by a like notification alter the limits of the division so formed." 2. Sections 5 and 6 shall be deleted. 3. In section 7, the words "under the control of the Commissioner" shall be deleted. 4. In section 8, the words "shall be subordinate to the Commissioner of his division and" shall be deleted. 5. In section 13, the words "and of the Commissioner" shall be deleted. 6. In section 14, the words "by the Commissioner or" shall be deleted. 7. In section 17, the words "and of the Commissioner" shall be deleted. 8. In sections 39, 82 and 159, for the word "Commissioner" the words "State Government" shall be substituted.

Enactments.	Amendments.
1	2
	9. In section 49, for the word "Commissioner" the word "Collector" shall be substituted. 10. In section 152,— (1) for the word "Commissioner" the words "State Government" shall be substituted; and (2) the words "with the sanction of the Provincial Government" shall be deleted. 11. In section 154, for the word "Commissioner" the word "Collector" shall be substituted. 12. In section 158, for the words "The Commissioner may, with the sanction of the Provincial Government" the words "The State Government may" shall be substituted. 13. In section 183, the words "The Commissioner under the orders of" shall be deleted. 14. In section 204, the words and figures "Subject to the provision in the Bombay Revenue Tribunal Act, 1939" shall be inserted at the commencement and the words "by a Commissioner or" shall be deleted.
3. The Bombay Irrigation Act, 1879 (Bom. VII of 1879).	1. In section 11, the words "or any Commissioner if empowered by the Provincial Government in this behalf" shall be deleted. 2. In section 57, in sub-section (*1*), for the words "or of any Commissioner empowered by the Provincial Government in this behalf" shall be deleted. 3. In section 60, for the words "for the information of the Commissioner of the Division and likewise to" the word "and" shall be substituted.
4. The Bombay District Municipal Act, 1901 (Bom. III of 1901).	In section 3, clause (3) shall be deleted.
5. The Bombay General Clauses Act, 1904 (Bom. I of 1904).	In section 3, clause (13) shall be deleted.
6. The Bombay Court of Wards Act, 1905 (Bom. I of 1905).	1. In section 3,— (1) for the words "the Commissioner shall be the Court of Wards for the limits of his division" the words "the Collector shall be the Court of Wards for the limits of his district" shall be substituted; (2) (*a*) in clause (*a*), the words "in lieu of the Commissioner" shall be deleted, (*b*) in clause (*b*), for the words "the Commissioner and any other officer or", the word "two or more" shall be substituted.

Enactments. 1	Amendments. 2
	2. In section 19,— (1) in sub-section (*1*), the words "Where the Collector is not the Court of Wards" shall be inserted at the commencement; (2) in sub-section (*2*), the words "Where the Collector is not the Court of Wards" shall be inserted at the commencement; (3) after sub-section (*2*), the following shall be added, namely :— "(*3*) Where the Collector is the Court of Wards, subject to any general or special orders of the State Government, the Court of Wards may exercise all or any of the powers under this Act through an Assistant or Deputy Collector whom it may appoint in this behalf and subject to the like orders, any such Assistant or Deputy Collector may exercise all or any of the powers delegated to him under this Act through any Revenue Officer subordinate to him not below the rank of a Mahalkari."
	3. In section 43, in sub-section (*1*),— (1) in clause (*a*), for the word "Commissioner" the word "Collector" shall be substituted; (2) clause (*b*) shall be deleted.
7. The Bombay Town Planning Act, 1915 (Bom. I of 1915).	1. In sections 4(*1*), 10(*2*), 26(*1*) and 43(*3*), the words "in the City of Bombay or the Commissioner elsewhere" shall be deleted. 2. In section 43, in sub-section (*3*) the words "or his" shall be deleted. 3. In section 45, in sub-section (*3*), the words "in the City of Bombay and by the Commissioner elsewhere" shall be deleted.
8. The Bombay Public Conveyances Act, 1920 (Bom. VII of 1920).	1. In section 36,— (1) in sub-section (*1*), the words "or the Commissioner of a Division" and "or his" shall be deleted. (2) in sub-sections (*2*) and (*4*), the words "or the Commissioner of the division, as the case may be" shall be deleted. 2. In section 37, the words "or the Commissioner of a division, as the case may be," shall be deleted.

Enactments 1	Amendments. 2
9. The Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925).	1. In section 3, clause (3) shall be deleted.
10. The Bombay Revenue Tribunal Act, 1939 (Bom. XII of 1939).	In section 2, clause (1) and section 8 shall be deleted.
11. The Bombay Sales Tax Act, 1946 (Bom. V of 1946).	Throughout the Act, for the word "Commissioner" wherever it occurs the word "Collector" shall be substituted.
12. The Bombay Prohibition Act, 1949 (Bom. XXV of 1949).	1. Throughout the Act, except as otherwise provided, for the word "Commissioner" the word "Director" shall be substituted. 2. In section 2, for clause (5) the following shall be substituted, namely :— "(5) 'Director' means an Officer appointed as the Director of Excise and Prohibition under section 3." 3. In section 3— (1) for the words "Prohibition Commissioner" where they occur for the first time the words "Director of Excise and Prohibition" shall be substituted; (2) for the proviso, the following shall be substituted, namely :— "Provided that the person appointed as and holding office of the Prohibition Commissioner immediately before the date on which the Bombay Commissioners (Abolition of Offices) Act, 1950, comes into force shall be the Director of Excise and Prohibition and shall hold the office of the Director of Excise and Prohibition until the State Government directs otherwise." ; Bom. XXVIII of 1950. (3) for the marginal note the following shall be substituted, namely :— "Director of Excise and Prohibition ."
13. The Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. LXII of 1949).	In section 6, for the word "Commissioner" the words "State Government" shall be substituted.

THE BOMBAY PUBLIC TRUSTS ACT, 1950.

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SCHEDULE

BOMBAY ACT No. XXIX OF 1950.[1]

[THE BOMBAY PUBLIC TRUSTS ACT, 1950.]

[*14th August 1950*]

An Act to regulate and to make better provision for the administration of public religious and charitable trusts in the State of Bombay.

WHEREAS it is expedient to regulate and to make better provision for the administration of public religious and charitable trusts in the State of Bombay; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent, operation and application.

1. (*1*) This Act may be called the Bombay Public Trusts Act, 1950.

(*2*) It shall extend to the whole of the State of Bombay.

(*3*) This Act shall come into force at once; but the provisions thereof shall apply to a public trust or any class of public trusts on the date specified in the notification under sub-section (*4*).

(*4*) The State Government may, by notification in the *Official Gazette*, specify the date on which the provisions of this Act shall apply to any public trust or any class of public trusts :

Provided that the State Government may also by a like notification direct that from the date specified therein any public trust or class of public trusts shall be exempt from the provisions of this Act :

Provided further that before a notification of such application or exemption is published, a draft thereof shall be published in the *Official Gazette* and in such other manner as may be prescribed for the information of persons likely to be affected thereby together with a notice specifying the date on or before which any objections or suggestions shall be received and the date on or after which the draft shall be taken into consideration.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "assessor" means a person appointed as an assessor under section 7;

(*2*) "Assistant Charity Commissioner" means an Assistant Charity Commissioner appointed under section 5;

(*3*) "Charity Commissioner" means the Charity Commissioner appointed under section 3;

(*4*) "court" means in the Greater Bombay, the City Civil Court and elsewhere, the District Court;

(*5*) "Deputy Charity Commissioner" means the Deputy Charity Commissioner appointed under section 5;

(*6*) "Hindu" includes Jain, Buddhist and Sikh;

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[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1949, Part V, pp. 235-239.

(*7*) "Inspector" means an Inspector appointed under section 6;

(*8*) "manager" means any person (other than a trustee) who for the time being either alone or in association with some other person or persons administers the trust property of any public trust and includes—

(*a*) in the case of a math, the head of such math,

(*b*) in the case of a wakf, a mutawalli of such wakf,

(*c*) in the case of a society registered under the Societies Registration Act, 1860, its governing body, if the property of the society is not vested in a trustee; XXI of 1860.

(*9*) "math" means an institution for the promotion of the Hindu religion presided over by a person whose duty it is to engage himself in imparting religious instructions or rendering spiritual service to a body of disciples or who exercises or claims to exercise headship over such a body and includes places of religious worship or instruction which are appurtenant to the institution;

(*10*) "person having interest" means—

(*a*) in the case of a temple, a person who is entitled to attend at or is in the habit of attending the performance of worship or service in the temple, or who is entitled to partake or is in the habit of partaking in the distribution of gifts thereof,

(*b*) in the case of a math, a disciple of the math or a person of the religious pursuasion to which the math belongs,

(*c*) in the case of a wakf, a person who is entitled to receive any pecuniary or other benefit from the wakf and includes a person who has a right to worship or to perform any religious rite in a mosque, idgah, imambara, dargah, maqbara or other religious institution connected with the wakf or to participate in any religious or charitable institution under the wakf,

(*d*) in the case of a society registered under the Societies Registration Act, 1860, any member of such society, and XXI of 1860.

(*e*) in the case of any other public trust, any beneficiary;

(*11*) "prescribed" means prescribed by rules;

(*12*) "public securities" means—

(*a*) securities of the Central Government or any State Government,

(*b*) stocks, debentures or shares in Railway or other companies, the interest or dividend on which has been guaranteed by the Central or any State Government,

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of the powers conferred by an Act of the Central or State Legislature,

(*d*) a security expressly authorised by an order which the State Government makes in this behalf;

(*13*) "public trust" means an express or constructive trust for either a public religious or charitable purpose or both and includes a temple, a math, a wakf or any other religious or charitable endowment and a society formed either for a religious or charitable purpose or for both and registered under the Societies Registration Act, 1860; XXI of 1860.

(*14*) "region" or "sub-region" means the areas designated as such and for which a Public Trusts Registration Office has been established under this Act;

(*15*) "rules" means rules made under this Act;

(*16*) "scrip" includes security, stock, shares and debentures;

(*17*) "temple" means a place by whatever designation known and used as a place of public religious worship and dedicated to or for the benefit of or used as of right by the Hindu community or any section thereof as a place of public religious worship;

(*18*) "trustee" means a person in whom either alone or in association with other persons, the trust property is vested and includes a manager;

(*19*) "wakf" means a permanent dedication by a person professing Islam of any moveable or immovable property for any purpose recognised by the Islamic law as pious, religious or charitable and includes a wakf by user but does not include a wakf such as is described in section 3 of the Mussalman Wakf Validating Act, 1913, under which any benefit is for the time being claimable for himself by the person by whom the wakf was created or by any member of his family or descendants;

VI of 1913.

(*20*) words and expressions used but not defined in this Act and defined in the Indian Trusts Act, 1882, shall have the meanings assigned to them in that Act.

II of 1882.

CHAPTER II.

ESTABLISHMENT.

Charity Commissioner.

3. The State Government may, by notification in the *Official Gazette*, appoint an Officer to be called the Charity Commissioner, who shall exercise such powers and shall perform such duties and functions as are conferred by or under the provisions of this Act and shall, subject to such general or special orders as the State Government may pass, superintend the administration and carry out the provisions of this Act throughout the State.

Qualifications for appointment of Charity Commissioner.

4. The Charity Commissioner shall be a person who is holding or has held a judicial office not lower in rank than that of a District Judge or a Judge of the Bombay City Civil Court.

Deputy and Assistant Charity Commissioners.

5. (*1*) The State Government may also appoint such number of Deputy and Assistant Charity Commissioners for such regions or sub-regions or for such public trust or such class of public trusts as may be deemed necessary.

(*2*) Persons to be appointed as Deputy or Assistant Charity Commissioners shall be persons who are holding or have held a judicial office not lower in rank than that of a Civil Judge (Senior Division).

(*3*) The Deputy and Assistant Charity Commissioners shall exercise such powers and perform such duties and functions as may be provided by or under the provisions of this Act.

Subordinate Officers.

6. To aid the Charity Commissioner and the Deputy and Assistant Charity Commissioners in carrying out the provisions of this Act, the State Government may appoint Inspectors and other subordinate Officers with such designations and assign to them such powers, duties and functions under this Act, as may be deemed necessary.

Assessors.

7. (*1*) The assessors shall be appointed in the manner provided in Chapter IX for any region or sub-region or with respect to any particular public trust or class of public trusts or in connection with any particular matter or class of matters relating to such trust or class of trusts.

(*2*) The assessors shall perform such functions as may be provided by or under the provisions of this Act.

Delegations.

8. (*1*) The State Government may delegate any of its own powers or functions under this Act to the Charity Commissioner or any other officer subject to such conditions as it thinks fit.

(*2*) The State Government may also direct that any powers exercisable and any duties or functions to be performed by any particular officer appointed under this Act may be performed by any other officer subject to such conditions as it thinks fit.

CHAPTER III.

Charitable Purposes and Validity of certain Public Trusts.

Charitable purposes.

9. For the purposes of this Act, a charitable purpose includes—

(1) relief of poverty or distress,
(2) education,
(3) medical relief, and
(4) the advancement of any other object of general public utility,

but does not include a purpose which relates—

(*a*) exclusively to sports, or
(*b*) exclusively to religious teaching or worship.

Public trust not to be void on ground of uncertainty.

10. Notwithstanding any law, custom or usage, a public trust shall not be void, only on the ground that the persons or objects for the benefit of whom or which it is created are unascertained or unascertainable.

Explanation.—A public trust created for such objects as dharma, dharmada or punyakarya, punyadan shall not be deemed to be void, only on the ground that the objects for which it is created are unascertained or unascertainable.

Public trust not void on ground that it is void for non-charitable or non-religious purpose.

11. A public trust created for purposes some of which are charitable or religious and some are not shall not be deemed to be void in respect to the charitable or religious purpose, only on the ground that it is void with respect to the non-charitable or non-religious purpose.

Public trust not void on ground of absence of obligation.

12. Any disposition of property for a religious or charitable purpose shall not be deemed to be void as a public trust, only on the ground that no obligation is annexed with such disposition requiring the person in whose favour it is made to hold it for the benefit of a religious or charitable object.

13. If any public trust is created for a specific object of a charitable or religious nature or for the benefit of a society or institution constituted for a charitable or religious purpose, such trust shall not be deemed to be void only on the ground— Public trust not void on failure of specific object or society etc. ceasing to exist.

(*a*) that the performance of the specific object for which the trust was created has become impossible or impracticable, or

(*b*) that the society or institution does not exist or has ceased to exist, notwithstanding the fact that there was no intent for the appropriation of the trust property for a general charitable or religious purpose.

CHAPTER IV.

REGISTRATION OF PUBLIC TRUSTS.

14. (*1*) For the purposes of this Act, the State Government may form regions and sub-regions and may prescribe and alter limits of such regions and sub-regions. Regions and sub-regions.

(*2*) The regions and sub-regions formed under this section, together with the limits thereof and every alteration of such limits shall be notified in the *Official Gazette.*

15. In every region or sub-region there shall be a Public Trusts Registration Office: Public Trusts Registration Offices.

Provided that for two or more regions or sub-regions, there may be one Public Trusts Registration Office:

Provided further that for one region or sub-region there may be one or more Joint Public Trusts Registration Offices.

16. The State Government may appoint a Deputy Charity Commissioner or Assistant Charity Commissioner to be in charge of one or more Public Trusts Registration Offices or Joint Public Trusts Registration Offices. Deputy or Assistant Charity Commissioner to be in charge of Public Trusts Registration Office.

17. In every Public Trusts Registration Office or Joint Public Trusts Registration Office, it shall be the duty of the Deputy or Assistant Charity Commissioner in charge to keep and maintain such books, indices and other registers as may be prescribed. Such books, indices and registers shall contain such particulars as may also be prescribed. Books, indices and registers.

18. (*1*) It shall be the duty of the trustee of a public trust to which this Act has been applied to make an application for the registration of the public trust. Registration of public trusts.

(*2*) Such application shall be made to the Deputy or Assistant Charity Commissioner of the region or sub-region within the limits of which the trustee has an office for the administration of the trust.

(*3*) Such application shall be in writing, shall be in such form and accompanied by such fee as may be prescribed.

(*4*) Such application shall—

(*a*) in the case of a public trust created before this Act was applied to it, be made, within three months from the date of the application of this Act, and

(*b*) in the case of a public trust created after this Act comes into force, within three months of its creation.

(*5*) Such application shall *inter alia* contain the following particulars :—

(i) the names and addresses of the trustees and the manager,

(ii) the mode of succession to the office of the trustee,

(iii) the list of the moveable and immovable trust property and such descriptions and particulars as may be sufficient for the identification thereof,

(iv) the approximate value of the moveable and immovable property,

(v) the gross average annual income of the trust property estimated on the income of three years immediately preceding the date on which the application is made or of the period which has elapsed since the creation of the trust, whichever period is shorter,

(vi) the amount of the average annual expenditure in connection with such public trust estimated on the expenditure incurred within the period to which the particulars under clause (v) relate,

(vii) the address to which any communication to the trustee or manager in connection with the public trust may be sent,

(viii) such other particulars which may be prescribed :

Provided that the rules may provide that in the case of any or all public trusts it shall not be necessary to give the particulars of the trust property of such value and such kind as may be specified therein.

(*6*) Every application made under sub-section (*1*) shall be signed and verified in the prescribed manner by the trustee or his agent specially authorised by him in this behalf. It shall be accompanied by a copy of an instrument of trust, if such instrument had been executed and is in existence.

Inquiry for registration.

19. On the receipt of an application under section 18, or upon an application made by any person having interest in a public trust or on his own motion, the Deputy or Assistant Charity Commissioner shall make an inquiry in the prescribed manner for the purpose of ascertaining :—

(i) whether the trust is a public trust,

(ii) whether any property is the property of such trust,

(iii) whether the whole or any substantial portion of the subject-matter of the trust is situate within his jurisdiction,

(iv) the names and addresses of the trustees and manager of such trust,

(v) the mode of succession to the office of the trustee of such trust,

(vi) the origin, nature and object of such trust,

(vii) the amount of gross average annual income and expenditure of such trust, and

(viii) any other particulars as may be prescribed under sub-section (*5*) of section 18.

Findings of Deputy or Assistant Charity Commissioners.

20. On completion of the inquiry provided for under section 19, the Deputy or Assistant Charity Commissioner shall record his findings with the reasons therefor as to the matters mentioned in the said section.

Entries in register.

21. (*1*) The Deputy or Assistant Charity Commissioner shall make entries in the register kept under section 17 in accordance with the findings recorded by him under section 20 or if appeals are made as provided by this Act, in accordance with the final decision of the competent authority provided by this Act.

(*2*) The entries so made shall, subject to the provisions of this Act and subject to any change recorded under the following provisions, be final and conclusive.

Change.

22. (*1*) Where any change occurs in any of the entries recorded in the register kept under section 17, the trustee shall, within 90 days from the date of the occurrence of such change, or where any change is desired in such entries in the interest of the administration of such public trust, report such change or proposed change to the Deputy or Assistant Charity Commissioner in charge of the Public Trusts Registration Office where the register is kept. Such report shall be made in the prescribed form.

(*2*) For the purpose of verifying the correctness of the entries in the register kept under section 17 or ascertaining whether any change has occurred in any of the particulars recorded in the register, the Deputy or Assistant Charity Commissioner may hold an inquiry.

(*3*) If the Deputy or Assistant Charity Commissioner, as the case may be, after receiving a report under sub-section(*1*) and holding an inquiry, if necessary, under sub-section (*2*), or merely after holding an inquiry under the said sub-section (*2*), is satisfied that a change has occurred in any of the entries recorded in the register kept under section 17 in regard to a particular public trust, he shall record a finding with the reasons therefor to that effect. Such finding shall be appealable to the Charity Commissioner. The Deputy or Assistant Charity Commissioner shall amend the entries in the said register in accordance with such finding and if appeals were made against such finding, in accordance with the final decision of the competent authority provided by this Act. The amendments in the entries so made shall, subject to any further amendment on the occurrence of a change, be final and conclusive.

Procedure where trust property is situate in several regions or sub-regions.

23. If any part of the property of any public trust is situate within the limits of more than one region or sub-region, the Deputy or Assistant Charity Commissioner of the region or sub-region within the limits of which the public trust is registered, shall forward a copy of the entries to the Deputy or Assistant Charity Commissioner in charge of the region or sub-region within the limits of which such part of the trust property is situate. The Deputy or Assistant Charity Commissioner in charge of such region or sub-region shall make an entry in such book as may be prescribed for the purpose. A copy of such entry shall also be sent by the Deputy or the Assistant Charity Commissioner, as the case may be, to the Sub-Registrar appointed under the Indian Registration Act, 1908, of the sub-district within the limits of which such property or part thereof is situate.

XVI of 1908.

Stay of inquiry.

24. No Deputy or Assistant Charity Commissioner shall proceed with an inquiry under section 19 or 22 in regard to any public trust which has been already registered in any other region or sub-region.

Inquiry regarding public trust not to be held by more than one Deputy or Assistant Charity Commissioner.

25. (*1*) If an inquiry under section 19 or 22 in regard to any public trust is pending before more than one Charity Commissioner, whether Deputy or Assistant, the Charity Commissioner shall, on the application of any of the persons having interest in such public trust or of any Deputy or Assistant Charity Commissioner before whom such inquiry is pending or on his own motion, determine which of such Deputy or Assistant Charity Commissioners shall proceed with the inquiry in regard to such trust.

(*2*) The determination of the Charity Commissioner under sub-section (*1*) shall be final and conclusive; and upon such determination, no Deputy or Assistant Charity Commissioner other than the Deputy or Assistant Charity Commissioner specified by the Charity Commissioner shall proceed with the inquiry in regard to the public trust under section 19 or 22, as the case may be.

Court to forward copy of decision to Charity Commissioner.

26. Any Court of competent jurisdiction deciding any question relating to any public trust which by or under the provisions of this Act is not expressly or impliedly barred from deciding shall cause copy of such decision to be sent to the Charity Commissioner and the Charity Commissioner shall cause the entries in the register kept under section 17 to be made or amended in regard to such public trust in accordance with such decision. The amendments so made shall not be altered except in cases where such decision has been varied in appeal or revision by a court of competent jurisdiction. Subject to such alterations, the amendments made shall be final and conclusive.

Stamping of scrips.

27. (*1*) Where a public trust has been registered under the provisions of this Act, it shall be the duty of the trustee to stamp or indorse in the prescribed manner on each of the scrips which form part of the property of the public trust the name or description of the trust. The Deputy or the Assistant Charity Commissioner making the inquiry under section 19 shall satisfy himself that each of such scrips has been so stamped or indorsed. If he finds that they are not so stamped or indorsed, he may require them to be so stamped or indorsed.

(*2*) In the case of scrips which may become the property of a public trust after its registration under this Act, it shall be the duty of the trustee to stamp or indorse them in the manner referred to in sub-section (*1*) within 15 days from the date on which such scrips have come into his possession. If before the expiry of the said period of 15 days any of such scrips are to be sold, pledged or otherwise transferred, the trustee shall stamp or indorse them in the manner referred to in sub-section (*1*) before such sale, pledge or transfer is effected.

(*3*) Notwithstanding anything contained in sub-sections (*1*) and (*2*), the Deputy or the Assistant Charity Commissioner may, at any time, in order to satisfy himself that any of the scrips which are the property of a public trust have been stamped or indorsed in the manner referred to in sub-section (*1*), require the trustee to produce for his inspection the scrips which are the property of a public trust and may, if such scrips are found not to have been so stamped or indorsed, require them to be so stamped or indorsed.

Public trusts previously registered under enactments specified in Schedule.

28. (*1*) All public trusts registered under the provisions of any of the enactments specified in the Schedule shall be deemed to have been registered under this Act from the date on which this Act may be applied to them. The Deputy or Assistant Charity Commissioner of the region or sub-region within the limits of which the trust property or the substantial portion of the trust property is situate shall issue notice to the trustee of such trust for the purpose of recording entries relating

to such trust in the register kept under section 17 and shall after hearing the trustee and making such inquiry as he thinks fit record findings with the reasons therefor. Such findings shall be in accordance with the entries in the registers already made under the said enactments subject to such changes as may be necessary or expedient.

(*2*). Any person aggrieved by any of the findings recorded under sub-section (*1*) may appeal to the Charity Commissioner.

(*3*) The provisions of this Chapter shall, so far as may be, apply to the making of entries in the register kept under section 17 and the entries so made shall be final and conclusive.

29. In the case of the public trust which is created by a will, the executor of such will shall within one month from the date on which the probate of the will is granted or within six months from the date of the testator's death make an application for the registration in the manner provided in section 18 and the provisions of this Chapter shall *mutatis mutandis* apply to the registration of such trust. Public trust created by will.

30. Any person acquiring any immovable property or scrip belonging to a public trust which has been registered under this Chapter or any part of or any share or interest in such property or scrip of such trust shall be deemed to have notice of the relevant particulars relating to such trust entered in the register. Notice of particulars of immovable property and scrips entered in register.

31. (*1*) No suit to enforce a right on behalf of a public trust which has not been registered under this Act shall be heard or decided in any Court. Bar to hear or decide suits.

(*2*) The provisions of sub-section (*1*) shall apply to a claim of set off or other proceeding to enforce a right on behalf of such public trust.

CHAPTER V.

Accounts and Audit.

32. (*1*) Every trustee of a public trust which has been registered under this Act shall keep regular accounts. Maintenance of accounts.

(*2*) Such accounts shall be kept in such form as may be approved by the Charity Commissioner and shall contain such particulars as may be prescribed.

33. (*1*) The accounts kept under section 32 shall be balanced each year on the thirty-first day of March or such other day, as may be fixed by the Charity Commissioner. Balancing and auditing of accounts.

(*2*) The accounts shall be audited annually in such manner as may be prescribed and by a person who is the holder of certificate granted under section 144 of the Indian Companies Act, 1913, or is a member of an institution or association, the members of which have been declared under that section to be entitled to act as auditors of companies or by such persons as may be authorised in this behalf by the State Government. VII of 1913.

(*3*) Every auditor acting under sub-section (*2*) shall have access to the accounts and to all books, vouchers, other documents and records in the possession of or under the control of the manager.

(*4*) Notwithstanding anything contained in the preceding sub-sections, the Charity Commissioner may direct a special audit of the accounts of any public trust whenever in his opinion such special audit is necessary. The provisions of sub-sections (*2*) and (*3*) shall, so far as may be applicable, apply to such special audit. The Charity Commissioner may direct the payment of such fee as may be prescribed for such special audit.

Auditor's duty to prepare balance sheet and to report irregularities etc.

34. (*1*) It shall be the duty of every auditor auditing the accounts of a public trust under section 33 to prepare a balance sheet and income and expenditure account and to forward a copy of the same to the Deputy or Assistant Charity Commissioner of the region or sub-region or to the Charity Commissioner, if the Charity Commissioner requires him to do so.

(*2*) The auditor shall in his report specify all cases of irregular, illegal or improper expenditure, or failure or omission to recover moneys or other property belonging to the public trust or of loss or waste of money or other property thereof and state whether such expenditure, failure, omission, loss or waste was caused in consequence of a breach of trust, or misapplication or any other misconduct on the part of the trustees, or any other person.

Investment of public trust money.

35. Where the trust property consists of money and cannot be applied immediately or at any early date to the purposes of the public trust the trustee shall be bound (subject to any direction contained in the instrument of the trust) to invest the money in public securities:

Provided that such money may be invested in the first mortgage of immovable property situate in a Part A State or a Part C State if the property is not leasehold for a term of years and the value of the property exceeds by one-half the mortgage money:

Provided further that the Charity Commissioner may by general or special order permit the trustee of any public trust or classes of such trusts to invest the money in any other manner.

Alienation of immovable property of public trust.

36. Subject to the directions in the instrument of trust—

(*a*) no sale, mortgage, exchange or gift of any immovable property, and

(*b*) no lease for a period exceeding ten years in the case of agricultural land or for a period exceeding three years in the case of non-agricultural land or a building,

belonging to a public trust, shall be valid without the previous sanction of the Charity Commissioner.

CHAPTER VI.

CONTROL.

Power of inspection and supervision.

37. The Charity Commissioner, the Deputy or Assistant Charity Commissioner or any officer authorised by the State Government by a general or special order shall have power—

(*a*) to enter on and inspect or cause to be entered on and inspected any property belonging to a public trust;

(*b*) to call for or inspect any extract from any proceedings of the trustees of any public trust and any book or account in the possession of or under the control of the trustees;

(*c*) to call for any return, statement, account or report which he may think fit from the trustees or any person connected with a public trust:

Provided that in entering upon any property belonging to the public trust the officers making the entry shall give reasonable notice to the trustee and shall have due regard to the religious practices or usages of the trust.

Explanation on report of auditor.

38. On receipt of a report of the auditor under section 34 the Deputy or Assistant Charity Commissioner to whom the report is submitted shall require the trustee or any other person concerned to submit an explanation thereon within such period as he thinks fit.

Report to Charity Commissioner.

39. If on the consideration of the report of the auditor, the accounts and explanation, if any, furnished by the trustees or any other person, the Deputy or Assistant Charity Commissioner is, after holding an inquiry in the prescribed manner, satisfied that the trustees or any other person has been guilty, of gross negligence, a breach of trust, misapplication or misconduct which has resulted in the loss to the public trust, he shall report the matter to the Charity Commissioner.

Decision of Charity Commissioner on report under section 39.

40. The Charity Commissioner shall, after considering the report of the Deputy or Assistant Charity Commissioner, giving an opportunity to the person concerned and holding such inquiry as he thinks fit, determine—

(*a*) the amount of loss caused to a public trust;

(*b*) whether such loss was due to any breach of trust, misapplication or misconduct on the part of any person;

(*c*) whether any of the trustees, or any other person was responsible for such loss;

(*d*) the amount which any of the trustees or any other person is liable to pay to the public trust for such loss.

Order of surcharge.

41. (*1*) If the Charity Commissioner decides that any person is liable to pay to the public trust any amount for the loss caused to the trust, the Charity Commissioner may direct that the amount shall be surcharged on the person.

(*2*) Subject to the provisions of section 72, the order of the Charity Commissioner under sub-section (*1*) shall be final and conclusive.

CHAPTER VII.

Other Functions and Powers of Charity Commissioner.

Charity Commissioner to be corporation sole.

42. The Charity Commissioner shall be a corporation sole and shall have perpetual succession and a common seal and may sue and be sued in his corporate name.

Charity Commissioner to be Treasurer of Charitable Endowments under Act VI of 1890.

VI of 1890.

43. Notwithstanding anything contained in the Charitable Endowments Act, 1890, the Charity Commissioner shall be deemed to be and to have always been the Treasurer of Charitable Endowments for the State of Bombay appointed under the provisions of the said Act, and the property vesting in the said Treasurer before the date on which this Act comes into force shall be deemed to vest in the Charity Commissioner as the Treasurer of Charitable Endowments; and the provisions of the said Act shall apply to the Charity Commissioner, as the Treasurer of Charitable Endowments appointed under the said Act.

Charity Commissioner can act as trustee of public trusts.

44. (*1*) Subject to the provisions of this Act or the rules made thereunder the Charity Commissioner may be appointed to act as a trustee of a public trust by a Court of competent jurisdiction or by the author of the trust.

(*2*) Save as herein provided, the Charity Commissioner acting as a trustee of a public trust shall have the same powers, duties and liabilities, and be entitled to the same rights and privileges as any other trustee of a public trust.

(*3*) The Charity Commissioner may decline, either absolutely or except on such conditions as he may impose, to accept any trust.

(*4*) The Charity Commissioner shall be the sole trustee and it shall not be lawful to appoint him as a trustee along with other persons.

Charity Commissioner may with consent be appointed trustee of settlement by grantor.

45. (*1*) Any person intending to create a public trust may by the instrument creating the trust and with the consent of the Charity Commissioner appoint him by that name or any other description to be the trustee of such trust:

Provided that the consent of the Charity Commissioner shall be recited in the said instrument and that such instrument shall be executed by the Charity Commissioner or any officer duly authorised by him in that behalf.

(*2*) Upon such appointment the trust property shall vest in the Charity Commissioner and shall be held by him upon the terms declared in such instrument.

Appointment of Charity Commissioner as trustee under will.

46. Where the Charity Commissioner by that name or any other sufficient description has been appointed a trustee of any public trust under any will, the executor of the will of the testator or the administrator of his estate shall after obtaining probate or letters of administration, notify in the prescribed manner, the contents of such will to the Charity Commissioner and if the Charity Commissioner consents to accept the trust, then upon the execution by such executor or administrator of an instrument in writing transferring the property subject to the trust to the Charity Commissioner, such property shall vest in the Charity Commissioner and shall be held by him upon the trust expressed in the will :

Provided that the consent of the Charity Commissioner shall be recited in the instrument and that such instrument shall be executed by the Charity Commissioner or any officer duly authorised by him in that behalf.

Power of Court to appoint new trustee or trustees as the case may be.

47. (*1*) Any person interested in a public trust or the Charity Commissioner may apply to the Court for the appointment of a new trustee, when a trustee of such trust—

(*a*) disclaims or dies ;

(*b*) is for a continuous period of six months absent from India without the leave of the Charity Commissioner or Deputy or Assistant Charity Commissioner or the Officer authorised by the State Government in this behalf ;

(*c*) leaves India for the purpose of residing abroad ;

(*d*) is declared an insolvent ;

(*e*) desires to be discharged from the trust ;

(*f*) refuses to act as a trustee ;

(*g*) becomes in the opinion of the Court unfit or physically incapable to a in the trust or accepts a position which is inconsistent with the trust ; or

(*h*) in any of the cases mentioned in Chapter III is not available to administer the trust.

(*2*) No such application shall be entertained,—

(*a*) unless the trustee who on account of any of the reasons mentioned in clauses (*a*) to (*h*) of sub-section (*1*) is not fit or available to administer the trust is the sole trustee or unless by the vacation of office by one or more trustees on account of any of the said reasons the minimum number of trustees required by the instrument, scheme, order or decree of the Court or usage or custom of the trust for the administration of the trust is reduced;

(*b*) (*i*) until the expiration of a period of three months from the date on which the trustee is not so fit or available to administer the trust; and

(*ii*) if a new trustee has been appointed in the said office during the said period in accordance with the instrument, scheme, order or decree of the Court, or custom or usage of the trust.

(*3*) The Court after making an inquiry may appoint the Charity Commissioner or any other person as the trustee to fill up the vacancy.

(*4*) In appointing the trustee under sub-section (*3*) the Court shall have regard—

(*a*) to the wishes of the author of the trust;

(*b*) to the wishes of the person, if any, empowered to appoint a new trustee;

(*c*) to the question whether the appointment will promote or impede the execution of the trust;

(*d*) to the interest of the public or the section of the public who have interest in the trust; and

(*e*) to the custom and usage of the trust.

(*5*) Where the Charity Commissioner is appointed a trustee, he shall be the sole trustee.

(*6*) The decision of the Court under sub-section (*3*) shall be deemed to be the decree of the Court and an appeal shall lie therefrom to the High Court.

48. (*1*) When the Charity Commissioner is appointed a trustee of any public trust, there shall be levied such administrative charges whether by way of percentage or otherwise, as the State Government may prescribe. Levy of administrative charges.

(*2*) The charges so levied may be at different rates for different properties or classes of properties or for different duties.

49. (*1*) Nothing in this Act shall be deemed to prevent the transfer, by the Charity Commissioner, of any property vested in him as a trustee, to— Transfer of property by Charity Commissioner.

(*a*) the original trustee (if any),

(*b*) any other lawfully appointed trustee, or

(*c*) any other person, if the court so directs.

(*2*) Upon such transfer, such property shall vest in such trustee and shall be held by him upon the same terms as those upon which it was held prior to the transfer and the Charity Commissioner shall be exempt from all liability as trustee of such property except in respect of acts done before such transfer:

Provided that in the case of any transfer under this section, the Charity Commissioner shall be entitled to retain out of the property any fees and administrative charges leviable in accordance with the provisions of this Act.

Suits relating to public trusts.

50. In any case—

(*i*) where it is alleged that there is a breach of a public trust,

(*ii*) where a declaration is necessary that a particular property is a property belonging to a public trust, or where a direction is required to recover the possession of such property from any person including a person holding adversely to the public trust, or

(*iii*) where the direction of the court is deemed necessary for the administration of any public trust,

the Charity Commissioner or two or more persons having an interest in the trust and having obtained the consent in writing of the Charity Commissioner as provided in section 51 may institute a suit whether contentious or not in the court within the local limits of whose jurisdiction the whole or part of the subject-matter of the trust is situate, to obtain a decree for any of the following reliefs :—

(*a*) an order for the recovery of the possession of such property,

(*b*) the removal of any trustee or manager,

(*c*) the appointment of a new trustee or manager,

(*d*) a direction for taking accounts and making certain inquiries,

(*e*) a declaration as to what proportion of the trust property or of the interest therein shall be allocated to any particular object of the trust,

(*f*) a direction authorising the whole or any part of the trust property to be let, sold, mortgaged or exchanged,

(*g*) the settlement of a scheme or variations or alterations in a scheme already settled, or

(*h*) granting such further or other relief as the nature of the case may require :

Provided that no suit claiming any of the reliefs specified in this section shall be instituted in respect of any public trust except in conformity with the provisions thereof.

Consent of Charity Commissioner for institution of suit.

51. (*1*) If the persons having an interest in any public trust intend to file a suit of the nature specified in section 50, they shall apply to the Charity Commissioner in writing for his consent. The Charity Commissioner, after hearing the parties and after making such inquiry as he thinks fit, may within a period of six months from the date on which the application is made, grant or refuse his consent to the institution of such suit. The order of the Charity Commissioner refusing his consent shall be in writing and shall state the reasons for the refusal.

(*2*) If the Charity Commissioner refuses his consent to the institution of the suit under sub-section (*1*) the persons applying for such consent may file an appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, in the manner provided by this Act. Bom. XII of 1939.

(*3*) In every suit filed by persons having interest in any trust under section 50, the Charity Commissioner shall be a necessary party.

(*4*) Subject to the decision of the Bombay Revenue Tribunal in appeal under section 71, the decision of the Charity Commissioner under sub-section (*1*) shall be final and conclusive.

V of 1908.

52. Notwithstanding anything contained in the Code of Civil Procedure, 1908, the provisions of sections 92 and 93 of the said Code shall not apply to the public trusts.

Non-application of sections 92 and 93 of Civil Procedure Code to public trusts.

53. (*1*) Where under any will a bequest has been made in favour of a public trust or where such bequest itself creates a public trust, it shall be the duty of the executor under the will to forward a copy thereof to the Deputy or Assistant Charity Commissioner for the region or sub-region where such will may have been, or is required to be, registered.

Bequest under will for benefit of public trust.

(*2*) No probate of any such will or letters of administration with such will annexed shall be granted by any Court whatsoever unless it is satisfied that a copy of such will has been forwarded to the Deputy or Assistant Charity Commissioner as provided by sub-section (*1*).

54. (*1*) Where according to the custom or usage of any business or trade or the agreement between the parties relating to any transaction any amount is charged to any party to the said transaction or collected under whatever name, as being intended to be used for a charitable or religious purpose the amount so charged or collected shall vest in the person charging or collecting the same as a trustee.

Dharmada.

(*2*) Any person charging or collecting such sums shall within three months from the expiration of the year for which his accounts are ordinarily kept submit an account in such form as may be prescribed to the Deputy or Assistant Charity Commissioner.

(*3*) The Deputy or Assistant Charity Commissioner shall have power to make such inquiry as he thinks fit to verify the correctness of the account submitted and may pass order for the disposal of the amount in the manner prescribed.

55. (*1*) If at any time the Charity Commissioner is of opinion that—

Cypres.

(*a*) the original object for which the public trust was created has failed,

(*b*) the income or any surplus balance of any public trust has not been utilized or is not likely to be utilized,

(*c*) it is not in public interest expedient, practicable, desirable, necessary or proper to carry out wholly or partially the original intention of the author of the public trust or the object for which the public trust was created and that the property or the income of the public trust or any portion thereof should be applied to any other charitable or religious object,

(*d*) in any of the cases mentioned in sections 10 to 13 or in regard to the appropriation of the dharmada sums held in trust under section 54 the directions of the court are necessary,

the Charity Commissioner shall give notice in writing to the trustees to apply to the court within the time prescribed for directions.

(*2*) If the trustees fail to make the application as required under sub-section (*1*) or if the Charity Commissioner himself is a trustee or if there is no trustee of the public trust, the Charity Commissioner shall make an application to the court.

Court's power to hear application.

56. (*1*) On such application being made, the court after hearing the parties and making an inquiry shall decide the matter and shall give directions. In giving the directions, the court shall, so far as may be expedient, practicable, desirable or necessary in public interest, give effect to the original intention of the author of the public trust or the object for which the public trust was created. If the Court is of opinion that the carrying out of such intention or object is not wholly or partially expedient, practicable, desirable or necessary in public interest, the court may direct the property or income of the public trust or any portion thereof to be applied *cypres* to any other charitable or religious object. In doing so, it shall be lawful for the court to alter any scheme already settled or to vary the terms of any decree or order already passed in respect of the public trust or the conditions contained in the instrument of the public trust.

(*2*) Any decision or order passed by the court under sub-section (*1*) shall be deemed to be a decree of such court and an appeal shall lie therefrom to the High Court.

CHAPTER VIII.

Public Trusts Administration Fund.

Public Trusts Administration Fund.

57. (*1*) There shall be established a fund to be called the Public Trusts Administration Fund. The Fund shall vest in the Charity Commissioner.

(*2*) The following sums shall be credited to the said Fund, namely :—

(*a*) fees and administrative charges leviable under sections 18 and 48 ;

(*b*) contributions made under section 58 ;

(*c*) the amount from the funds or the portion thereof credited under section 61 ;

(*d*) any sum received from a private person ;

(*e*) any sum allotted by the State Government or any local authority ; and

(*f*) any other sum which may be directed to be credited by or under the provisions of this Act.

Contribution by public trusts to Public Trusts Administration Fund.

58. Every public trust shall pay to the Public Trusts Administration Fund annually such contribution on such date and in such manner as may be prescribed :

Provided that the contribution prescribed under this section shall be fixed at the rates in proportion to the gross annual income of the public trust.

59. (*1*) If the trustee of a public trust (other than the Charity Commissioner) fails to pay the contribution under section 58, he shall be liable to penalties provided in section 66. Penalties as recovery of contribution.

(*2*) The Charity Commissioner may also make an order directing the bank in which or any person with whom any moneys belonging to the public trust are deposited to pay the contribution from such moneys as may be standing to the credit of the public trust or may be in the hands of such person or may from time to time be recovered from or on behalf of the public trust by way of deposit by such bank or person and such bank or person shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such bank or person from all liability to the public trust in respect of any sum or sums so paid by it or him out of the moneys belonging to the public trust so deposited with the bank or person.

(*3*) Any bank or person who has been ordered under sub-section (*2*) to make the payment may appeal to the State Government and the State Government may, after making such inquiry as it thinks fit, confirm, modify or cancel such order.

60. (*1*) The Public Trusts Administration Fund shall, subject to the provisions of this Act and subject to the general or special order of the State Government, be applicable to the payment of charges for expenses incidental to the regulation of public trusts and generally for carrying into effect the provisions of this Act. Application of Public Trusts Administration Fund.

(*2*) The custody and investment of the moneys to be credited to the Public Trusts Administration Fund and the disbursement and payment therefrom shall be regulated and made in the prescribed manner.

61. On the application of this Act to any public trust or class of public trusts which may have been registered under any of the Acts specified in the Schedule, the State Government may direct that the amount of any fund for the administration of public trusts constituted under the said Act for the region or sub-region in which such public trust or class of public trusts was registered or any portion thereof shall be credited to the Public Trusts Administration Fund constituted under this Chapter. State Government to direct crediting of funds constituted under any Act in Schedule to Public Trusts Administration Fund constituted under this Chapter.

CHAPTER IX.

ASSESSORS.

62. (*1*) On such date as may be prescribed, the Deputy or Assistant Charity Commissioner shall prepare lists of persons liable to serve as assessors. Lists of Assessors.

(*2*) Every person between the ages of 25 and 65 shall, except as may be prescribed by rules, be liable and serve as an assessor under this Act.

(*3*) In the preparation of the lists, regard shall be had to the property, character, education, and religion of persons whose names are entered therein.

(*4*) The lists so prepared shall be submitted to the Charity Commissioner and when approved by him shall be published in the *Official Gazette*.

(*5*) The lists published under sub-section (*4*) shall be in operation for a period of three years :

Provided that the Charity Commissioner may before the expiry of the said period direct any additions or alterations to be made therein.

(*6*) The lists published under sub-section (*4*) shall, notwithstanding anything contained in sub-section (*5*), be deemed to be valid and in operation for a further period of one year or until new lists are prepared in substitution thereof, whichever period expires first.

Person summoned to attend at the time and place specified.

63. Every person summoned to serve as an assessor by the Deputy or Assistant Charity Commissioner shall attend at the time and place when and where he is so summoned to attend, unless he is prevented from such attendance by a reasonable excuse.

Cases in which assessors shall be summoned.

64. In the following proceedings assessors shall be summoned to assist and advise the Charity Commissioner, Deputy or Assistant Charity Commissioner, as the case may be, namely :—

(*a*) an inquiry for the registration of a public trust under section 19 or an inquiry regarding a change in any of the particulars relating thereto under section 22 ;

(*b*) an inquiry regarding any of the public trusts registered under any of the Acts specified in the Schedule under section 28 ;

(*c*) an inquiry regarding the loss caused to a public trust in consequence of the act or conduct of a trustee or any other person under section 40 ;

(*d*) any other inquiry in which by rules or a general or special order made by the State Government in this behalf, the assessors are required to assist and advise the Charity Commissioner, the Deputy or Assistant Charity Commissioner or any other officer appointed under this Act.

Number of assessors to be called.

65. (*1*) The Deputy or Assistant Charity Commissioner shall choose such number of assessors not less than three and not more than five as he deems fit to aid and assist him. In any inquiry relating to a public trust which is for the benefit of the members belonging to a particular religious denomination, the assessors chosen shall, as far as may be practicable, belong to the said religious denomination.

(*2*) At the conclusion of the inquiry he shall record their opinion in writing and require them to sign it. The opinion so recorded shall form part of the proceedings and due consideration shall be given to it in passing an order or arriving at a decision or making a report in the inquiry.

(*3*) If in the course of any inquiry at any time before its conclusion, any assessor is from any sufficient cause, prevented from attending throughout the inquiry or absents himself and it is not practicable to enforce the attendance, the inquiry may be proceeded with the aid of the other assessor or assessors.

(*4*) If all the assessors are prevented from attending or absent themselves, without sufficient cause, the inquiry shall be proceeded with the aid of fresh assessors :

Provided that if the Deputy or Assistant Charity Commissioner holding the inquiry is satisfied that for sufficient and adequate reasons the inquiry need not be delayed, he shall complete the inquiry and shall report the matter to the Charity Commissioner.

(*5*) The assessors shall be entitled to such allowances as may be prescribed.

CHAPTER X.

Offences and Penalties.

66. Whoever contravenes any provision of any of the sections mentioned in the first column of the following table shall, on conviction, for each such offence, be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said table. Penalty.

Explanation.—The entries in the second column of the said table headed "Subject" are not intended as the definitions of offences described in the sections mentioned in the first column or even as abstracts of those sections, but are inserted merely as references to the subject of the sections, the numbers of which are given in the first column :

Table.

Section.	Subject.	Fine which may be imposed.
1	2	3
Section 18	... Duty of a trustee to make an application for the registration of a public trust within the time provided for.	Rs. 1,000.
Section 22	... Failure to report a change ...	Rs. 1,000.
Section 27	... Duty of the trustee to stamp or indorse scrips.	Rs. 1,000.
Section 29	... Duty of an executor to apply for the registration of a public trust within the time provided for.	Rs. 1,000.
Section 32	... Duty to keep regular accounts ...	Rs. 1,000.
Section 35	... Failure or omission to invest money in public securities.	Rs. 1,000.
Section 59	... Failure to pay contribution under section 58 by a trustee (other than the Charity Commissioner).	Rs. 1,000.
Section 63	... Requiring an assessor to attend ...	Rs. 500.

67. Whoever contravenes any of the provisions of this Act or the rules for which no specific penalty has been provided by this Act, shall, on conviction, be punished with fine which may extend to Rs. 500. Other offences.

CHAPTER XI.

Functions of Charity Commissioners, Procedure, Jurisdiction and Appeals.

68. For the purposes of this Act, the following shall be the duties and functions to be performed and powers to be exercised by the Deputy or Assistant Charity Commissioner for the region or sub-region for which he is appointed, namely :— Duties, functions and powers of Deputy or Assistant Charity Commissioner.

(*a*) to keep and maintain such books, entries and other documents as may be prescribed under section 17 ;

(*b*) to hold an inquiry under section 19 or 22 for any of the purposes mentioned in the said section ;

(*c*) to record entries in the register kept under section 17 and to make amendments in the said entries under section 22 ;

(*d*) to enter on and inspect any trust property, to call for and inspect any proceedings of a trustee and to call for any return, statement, account or report from trustees or any person connected with a public trust under section 37 ;

(*e*) to permit inspection of any statement, notice, intimation, account, audit note or any other document ;

(*f*) to prepare a list of assessors under section 62 and to choose and summon them under sections 63 and 65 for the purpose of inquiries under this Act ;

(*g*) to exercise such other powers and to perform such other duties and functions as may be prescribed.

Duties, functions and powers of Charity Commissioner.

69. For the purposes of this Act, the following shall be the duties to be performed and powers to be exercised by the Charity Commissioner, namely :—

(*a*) the general superintendence of the administration and carrying out the purposes of this Act under section 3 ;

(*b*) power to entertain and dispose of appeals from the findings of a Deputy or Assistant Charity Commissioner under section 20, 22 or 28 ;

(*c*) power to determine which of the Deputy or Assistant Charity Commissioners shall proceed with an inquiry relating to the registration of any public trust under section 25 ;

(*d*) power to direct a special audit of the accounts of a public trust under section 33 ;

(*e*) power to require an auditor to forward to him a copy of a balance sheet and income and expenditure account under section 34 ;

(*f*) power to permit a trustee to invest money of a public trust in any manner other than in public securities under section 35 ;

(*g*) power to sanction a sale, mortgage, exchange, gift or lease of immovable property belonging to a public trust under section 36 ;

(*h*) power to enter on and inspect any trust property, to call for and inspect any proceedings of a trustee, and to call for any return, statement, account or report from trustees or any person connected with a public trust under section 37 ;

(*i*) power to hold an inquiry in regard to any loss caused to a public trust under section 40, and to order a surcharge under section 41 ;

(*j*) power to act as the Treasurer of Charitable Endowments under the Charitable Endowments Act, 1890, under section 43 ; VI of 1890.

(*k*) power to act as a trustee of a public trust ;

(*l*) power to file a suit under section 50 ;

(*m*) power to give or refuse consent to the institution of a suit under section 51 ;

(*n*) power to give notice to trustees for the *cypres* application of the trust money and to make an application to the court under section 55 ;

(*o*) power to publish the lists of assessors under section 62 ;

(*p*) to exercise such other powers and perform such other duties and functions as may be prescribed.

Appeals from findings of Deputy or Assistant Charity Commissioner.

70. (*1*) An appeal against the finding of the Deputy or Assistant Charity Commissioner may be filed to the Charity Commissioner in the following cases :—

(*a*) the finding under section 20 ;

(*b*) the finding under section 22 ;

(*c*) the finding under section 28 ;

(*d*) the order under sub-section (*3*) of section 54.

(*2*) No appeal shall be maintainable after the expiration of sixty days from the recording of the finding or the passing of the order, as the case may be.

(*3*) The Charity Commissioner may, after hearing the appellant or any person appearing on his behalf, for reasons to be recorded in writing either annul, reverse, modify or confirm the finding or the order appealed against or he may direct the Deputy or Assistant Charity Commissioner to make further inquiry or to take such additional evidence as he may think necessary or he may himself take such additional evidence.

Appeal to Bombay Revenue Tribunal.

71. (*1*) The appeal to the Bombay Revenue Tribunal under sub-section (*2*) of section 51 against the decision of the Charity Commissioner refusing consent to the institution of the suit shall be filed within sixty days from the date of such decision in such form and shall be accompanied by such fee as may be prescribed.

(*2*) The Bombay Revenue Tribunal after making such inquiry as it thinks fit may confirm, revoke or modify the decision of the Charity Commissioner.

(*3*) The decision of the Bombay Revenue Tribunal shall be final and conclusive.

Application from Charity Commissioner's decision under section 40, 41 or 70, etc.

72. (*1*) Any person aggrieved by the decision of the Charity Commissioner under section 40, 41 or 70 or on the questions whether a trust is a public trust or whether any property is the property of such trust under Chapter IV may, within sixty days from the date of the decision, apply to the court to set aside the said decision.

(*2*) The court after taking such evidence as it thinks necessary may confirm, revoke or modify the decision or remit the amount of the surcharge and make such orders as to costs as it thinks proper in the circumstances.

(*3*) Pending the disposal of an application under sub-section (*2*), all proceedings for surcharge shall be stayed if the person aggrieved makes out a *prima facie* case for a stay order.

(*4*) An appeal shall lie to the High Court against the decision of the court under sub-section (*2*) as if such decision was a decree from which an appeal ordinarily lies.

Officers holding inquiries to have powers of civil court.

73. In holding inquiries under this Act, the officer holding the same shall have the same powers as are vested in courts in respect of the following matters under the Code of Civil Procedure, 1908, in trying a suit—

V of 1908.

(*a*) proof of facts by affidavits,

(*b*) summoning and enforcing the attendance of any person and examining him on oath,

(*c*) compelling the production of documents,

(*d*) issuing of commissions.

Inquiries to be judicial inquiries.

74. All inquiries and appeals under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. XLV of 1860.

Limitation.

75. In computing the period of appeal under this Chapter, the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeals. IX of 1908.

Civil Procedure Code to apply to proceedings under this Act.

76. Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure, 1908, shall apply to all proceedings before the court under this Act. V of 1908.

Recovery of sums due under section 18, 41 or 48 or rules.

77. All sums payable under section 18, 41 or 48 or under any rule, if not paid, shall notwithstanding anything contained in any law, be recoverable as an arrear of land revenue.

CHAPTER XII.

MISCELLANEOUS.

Charity Commissioner and other officers and assessors to be public servants.

78. The Charity Commissioner, Deputy and Assistant Charity Commissioners, Inspectors and other subordinate officers and Assessors appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Decision of property as public trust property.

79. (*1*) Any question, whether or not a trust is a public trust or particular property is the property of such trust, shal be decided by the Deputy or Assistant Charity Commissioner or the Charity Commissioner in appeal as provided by this Act.

(*2*) The decision of the Deputy or Assistant Charity Commissioner or the Charity Commissioner in appeal, as the case may be, shall, unless set aside by the decision of the court in appeal or of the High Court in further appeal, be final and conclusive.

Bar of jurisdiction.

80. Save as expressly provided in this Act, no civil court shall have jurisdiction to decide or deal with any question which is by or under this Act to be decided or dealt with by any officer or authority under this Act, or in respect of which the decision or order of such officer or authority has been made final and conclusive.

Indemnity from suits and proceedings.

81. (*1*) No suit, prosecution or other proceeding shall be instituted against the State Government or any officer or authority in respect of anything in good faith done or purporting to be done under this Act.

(*2*) Subject to the provisions of sub-section (*1*), no suit under section 50 shall, without the previous sanction of the State Government, be instituted against the Charity Commissioner in respect of a public trust of which he has been authorised to act as a trustee.

82. No court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try an offence punishable under this Act. **Trial of offences under this Act.**

83. No prosecution for an offence punishable under this Act, shall be instituted without the previous sanction of the Charity Commissioner. **Previous sanction of Charity Commissioner necessary for prosecution.**

84. (*1*) The State Government may make rules for the purpose of carrying into effect the provisions of this Act. **Rules.**

(*2*) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following matters, namely :—

(*a*) the manner of publishing the notification under sub-section (*4*) of section 1;

(*b*) the powers, duties and functions of the officers other than the Charity Commissioner, Deputy and Assistant Charity Commissioners appointed under this Act in addition to those provided for in this Act;

(*c*) the powers, duties and functions of assessors in addition to those provided for in this Act;

(*d*) the limits of regions and sub-regions to be prescribed under sub-section (*1*) of section 14;

(*e*) the books, indices and registers to be kept and maintained in a Public Trusts Registration Office, and the particulars to be entered in such books, indices and registers under section 17;

(*f*) the form in which an application for the registration of a public trust is to be made and the fee to be paid for the same, the other particulars to be entered therein and the manner in which an application for such registration is to be signed and verified and the value and kind of trust property in respect of which it shall not be necessary to give particulars under section 18;

(*g*) the manner in which an inquiry has to be made by the Deputy or Assistant Charity Commissioner under sections 19 and 39 ;

(*h*) the form in which the Deputy or Assistant Charity Commissioner has to make a report regarding the change under section 22;

(*i*) the book in which the Deputy or Assistant Charity Commissioner shall make an entry under section 23;

(*j*) the manner of stamping or indorsing on the scrips under sub-section (*1*) of section 27 ;

(*k*) the particulars to be entered in the accounts under sub-section (*2*) of section 32 and the fee to be paid for special audit under section 33 ;

(*l*) the manner of notifying contents of the will under section 46;

(*m*) the administrative charges to be levied under sub-section (*1*) of section 48;

(*n*) the form of account to be submitted under sub-section (*2*), and the manner of passing order under sub-section (*3*), of section 54;

(*o*) the time within which trustees may apply to the court for directions under sub-section (*1*) of section 55 ;

(*p*) the date on which and the manner in which and the amount of contribution which every public trust shall pay annually under section 58 and the manner in which the custody and investment of, and the disbursement and payment from, such fund shall be made under section 60;

(*q*) the date on which the Deputy or Assistant Charity Commissioner shall prepare a list of assessors under sub-section (*1*), and the persons who may be exempted to serve as assessors under sub-section (*2*), of section 62;

(*r*) the allowances to be paid to assessors under sub-section (*5*) of section 65;

(*s*) the other powers, duties and functions to be exercised and performed by a Deputy or Assistant Charity Commissioner under section 68;

(*t*) the other powers, duties and functions to be exercised and performed by the Charity Commissioner under section 69;

(*u*) the form of appeal and the fee to be paid for filing such appeal under section 71;

(*v*) the custody and investment of the money to be credited to the Public Trusts Administration Fund and the disbursement and payment therefrom;

(*w*) any other matter which is to be or may be prescribed under this Act.

(*3*) All rules made under this section shall be subject to the condition of previous publication.

Repeal.

85. (*1*) The Religious Endowments Act, 1863, is hereby repealed. XX of 1863.

(*2*) On the application of the provisions of this Act to any public trust or class of public trusts, under sub-section (*4*) of section 1, the provisions of the Act specified in the Schedule which apply to such trust or class of trusts shall cease to apply to such trust or class of trusts.

(*3*) Such repeal or cessation shall not in any way affect—

(*a*) any right, title, interest, obligation or liability already acquired, accrued or incurred before the date of the application of this Act,

(*b*) any legal proceedings or remedy in respect of such right, title, interest, obligation or liability, or

(*c*) anything duly done or suffered before the date of the application of this Act.

SCHEDULE

(*See* sections 28, 61, 64 and 85.)

1. The Charitable and Religious Trusts Act, 1920. XIV of 1920.

2. The Mussalman Wakf Act, 1923, as amended by Bombay Act XVIII of 1935. XLII of 1923.

3. The Bombay Public Trusts Registration Act, 1935. Bom. XXV of 1935.

4. The Parsi Public Trusts Registration Act, 1936. Bom. XXIII of 1936.

5. The Baroda Public Institutions Act (Baroda Act No. VI of Samvat 1961).

6. The Religious Endowments Act, 1863 as applied to the Jamkhandi State in 1890. XX of 1863.

7. The Deosthan Rules, 1912 of the Jamkhandi State as amended by Jamkhandi Act No. I of 1948.

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RANGE FOREST OFFICER
CENTRAL SANDALWOOD DEPOT
DHARWAR

BOMBAY ACT No. XXIX OF 1950.[1]

[THE BOMBAY PUBLIC TRUSTS ACT, 1950.]

[*14th August 1950*]

Amended by Bom. 47 of 1950.
,, ,, ,, 14 of 1951.

An Act to regulate and to make better provision for the administration of public religious and charitable trusts in the State of Bombay.

WHEREAS it is expedient to regulate and to make better provision for the administration of public religious and charitable trusts in the State of Bombay; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent, operation and application.

1. (*1*) This Act may be called the Bombay Public Trusts Act, 1950.

(*2*) It shall extend to the whole of the State of Bombay.

(*3*) This Act shall come into force at once; but the provisions thereof shall apply to a public trust or any class of public trusts on the date specified in the notification under sub-section (*4*).

(*4*) The State Government may, by notification in the *Official Gazette*, specify the date on which the provisions of this Act shall apply to any public trust or any class of public trusts:

Provided that the State Government may also by a like notification direct that from the date specified therein any public trust or class of public trusts shall be exempt from the provisions of this Act:

Provided further that before a notification of such application or exemption is published, a draft thereof shall be published in the *Official Gazette* and in such other manner as may be prescribed for the information of persons likely to be affected thereby together with a notice specifying the date on or before which any objections or suggestions shall be received and the date on or after which the draft shall be taken into consideration.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "assessor" means a person appointed as an assessor under section 7;

(*2*) "Assistant Charity Commissioner" means an Assistant Charity Commissioner appointed under section 5;

(*3*) "Charity Commissioner" means the Charity Commissioner appointed under section 3;

(*4*) "court" means in the Greater Bombay, the City Civil Court and elsewhere, the District Court;

(*5*) "Deputy Charity Commissioner" means the Deputy Charity Commissioner appointed under section 5;

(*6*) "Hindu" includes Jain, Buddhist and Sikh;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V, pp. 235-239.

(*7*) "Inspector" means an Inspector appointed under section 6;

(*8*) "manager" means any person (other than a trustee) who for the time being either alone or in association with some other person or persons administers the trust property of any public trust and includes—

(*a*) in the case of a math, the head of such math,

(*b*) in the case of a wakf, a mutawalli of such wakf,

(*c*) in the case of a society registered under the Societies Registration Act, 1860, its governing body, if the property of the society is not vested in a trustee; XXI of 1860.

(*9*) "math" means an institution for the promotion of the Hindu religion presided over by a person whose duty it is to engage himself in imparting religious instructions or rendering spiritual service to a body of disciples or who exercises or claims to exercise headship over such a body and includes places of religious worship or instruction which are appurtenant to the institution;

(*10*) "person having interest" means—

(*a*) in the case of a temple, a person who is entitled to attend at or is in the habit of attending the performance of worship or service in the temple, or who is entitled to partake or is in the habit of partaking in the distribution of gifts thereof,

(*b*) in the case of a math, a disciple of the math or a person of the religious pursuasion to which the math belongs,

(*c*) in the case of a wakf, a person who is entitled to receive any pecuniary or other benefit from the wakf and includes a person who has a right to worship or to perform any religious rite in a mosque, idgah, imambara, dargah, maqbara or other religious institution connected with the wakf or to participate in any religious or charitable institution under the wakf,

(*d*) in the case of a society registered under the Societies Registration Act, 1860, any member of such society, and XXI of 1860.

(*e*) in the case of any other public trust, any beneficiary;

(*11*) "prescribed" means prescribed by rules;

(*12*) "public securities" means—

(*a*) securities of the Central Government or any State Government,

(*b*) stocks, debentures or shares in Railway or other companies, the interest or dividend on which has been guaranteed by the Central or any State Government,

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of the powers conferred by an Act of the Central or State Legislature,

(*d*) a security expressly authorised by an order which the State Government makes in this behalf;

(*13*) "public trust" means an express or constructive trust for either a public religious or charitable purpose or both and includes a temple, a math, a wakf, [1][a dharmada] or any other religious or charitable endowment and a society formed either for a religious or charitable purpose or for both and registered under the Societies Registration Act, 1860; XXI of 1860.

[1] These words were inserted by Bom. 14 of 1951, s. 2.

(*14*) "region" or "sub-region" means the areas designated as such and for which a Public Trusts Registration Office has been established under this Act;

(*15*) "rules" means rules made under this Act;

(*16*) "scrip" includes security, stock, shares and debentures;

(*17*) "temple" means a place by whatever designation known and used as a place of public religious worship and dedicated to or for the benefit of or used as of right by the Hindu community or any section thereof as a place of public religious worship;

(*18*) "trustee" means a person in whom either alone or in association with other persons, the trust property is vested and includes a manager;

(*19*) "wakf" means a permanent dedication by a person professing Islam of any moveable or immovable property for any purpose recognised by the Islamic law as pious, religious or charitable and includes a wakf by user but does not include a wakf such as is described in section 3 of the Mussalman Wakf Validating Act, 1913, under which any benefit is for the time being claimable for himself by the person by whom the wakf was created or by any member of his family or descendants;

VI of 1913.

(*20*) words and expressions used but not defined in this Act and defined in the Indian Trusts Act, 1882, shall have the meanings assigned to them in that Act.

II of 1882.

CHAPTER II.

ESTABLISHMENT.

3. The State Government may, by notification in the *Official Gazette*, appoint an Officer to be called the Charity Commissioner, who shall exercise such powers and shall perform such duties and functions as are conferred by or under the provisions of this Act and shall, subject to such general or special orders as the State Government may pass, superintend the administration and carry out the provisions of this Act throughout the State.

Charity Commissioner.

[1][**4.** The Charity Commissioner shall be a person,—

(*a*) who is holding or has held a judicial office not lower in rank than that of a District Judge or a Judge of the Bombay City Civil Court, or the Chief Judge of the Presidency Small Cause Court, or

(*b*) who has been for not less than ten years,—

(*i*) an advocate enrolled under the Indian Bar Councils Act, 1926,

(*ii*) an attorney of a High Court, or

(*iii*) a pleader enrolled under the Bombay Pleaders Act, 1920.]

Qualifications for appointment of Charity Commissioner.

XXXVIII of 1926.

Bom. XVII of 1920.

5. (*1*) The State Government may also appoint such number of Deputy and Assistant Charity Commissioners for such regions or sub-regions or for such public trust or such class of public trusts as may be deemed necessary.

Deputy and Assistant Charity Commissioners.

[2][(*2*) A person to be appointed as a Deputy or Assistant Charity Commissioner shall be a person—

(*a*) who is holding or has held a judicial office not lower in rank than that of a Civil Judge (Senior Division) or a Judge of the Bombay City Civil Court or of the Presidency Small Cause Court, or

[1] This section was substituted for the original by Bom. 14 of 1951, s. 3.
[2] This sub-section was substituted for the original, *ibid*, s. 4.

(*b*) who has been for not less than seven years,—
(*i*) an advocate enrolled under the Indian Bar Councils Act, 1926, XXXVIII of 1926.
(*ii*) an attorney of a High Court, or
(*iii*) a pleader enrolled under the Bombay Pleaders Act, 1920.] Bom. XVII of 1920.

(*3*) The Deputy and Assistant Charity Commissioners shall exercise such powers and perform such duties and functions as may be provided by or under the provisions of this Act.

Subordinate Officers.

6. To aid the Charity Commissioner and the Deputy and Assistant Charity Commissioners in carrying out the provisions of this Act, the State Government may appoint Inspectors and other subordinate Officers with such designations and assign to them such powers, duties and functions under this Act, as may be deemed necessary:

[1][Provided that the State Government may, by general or special order and subject to such conditions as it deems fit to impose, delegate to the Charity Commissioner and the Deputy and Assistant Charity Commissioners power to appoint subordinate officers and servants, as may be specified in the order.]

Charity Commissioner and other officers to be servants of State Government.

[2][**6A.** The Charity Commissioner, the Deputy and Assistant Charity Commissioners, the Inspectors and other subordinate officers and servants appointed under this Act shall be the servants of the State Government and they shall draw their pay and allowances from the Consolidated Fund of the State. The conditions of service of such officers shall be such as may be determined by the State Government.

Cost of pay, pension, etc., of Charity Commissioner etc., to be paid to Government out of the Public Trusts Administration Fund.

6B. There shall be paid every year out of the Public Trusts Administration Fund to the State Government such cost as the State Government may determine on account of the pay, pension, leave and other allowances of the Charity Commissioner, the Deputy and Assistant Charity Commissioners, the Inspectors and other subordinate officers and servants appointed under this Act.]

Assessors.

7. (*1*) The assessors shall be appointed in the manner provided in Chapter IX for any region or sub-region or with respect to any particular public trust or class of public trusts or in connection with any particular matter or class of matters relating to such trust or class of trusts.

(*2*) The assessors shall perform such functions as may be provided by or under the provisions of this Act.

Delegations.

8. (*1*) The State Government may delegate any of its own powers or function under this Act to the Charity Commissioner or any other officer subject to such conditions as it thinks fit.

(*2*) The State Government may also direct that any powers exercisable and any duties or functions to be performed by any particular officer appointed under this Act may be performed by any other officer subject to such conditions as it thinks fit.

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[1] This proviso was added by Bom. 47 of 1950, s. 2.
[2] Sections 6A and 6B were inserted by Bom. 47 of 1950, s. 3.

CHAPTER III.

CHARITABLE PURPOSES AND VALIDITY OF CERTAIN PUBLIC TRUSTS.

Charitable purposes.

9. For the purposes of this Act, a charitable purpose includes—

(1) relief of poverty or distress,

(2) education,

(3 medical relief, and

(4) the advancement of any other object of general public utility,

but does not include a purpose which relates—

(*a*) exclusively to sports, or

(*b*) exclusively to religious teaching or worship.

Public trust not to be void on ground of uncertainty.

10. Notwithstanding any law, custom or usage, a public trust shall not be void, only on the ground that the persons or objects for the benefit of whom or which it is created are unascertained or unascertainable.

Explanation.—A public trust created for such objects as dharma, dharmada or punyakarya, punyadan shall not be deemed to be void, only on the ground that the objects for which it is created are unascertained or unascertainable.

Public trust not void on ground that it is void for non-charitable or non-religious purpose.

11. A public trust created for purposes some of which are charitable or religious and some are not shall not be deemed to be void in respect to the charitable or religious purpose, only on the ground that it is void with respect to the non-charitable or non-religious purpose.

Public trust not void on ground of absence of obligation.

12. Any disposition of property for a religious or charitable purpose shall not be deemed to be void as a public trust, only on the ground that no obligation is annexed with such disposition requiring the person in whose favour it is made to hold it for the benefit of a religious or charitable object.

Public trust not void on failure of specific object or society, etc., ceasing to exist.

13. If any public trust is created for a specific object of a charitable or religious nature or for the benefit of a society or institution constituted for a charitable or religious purpose, such trust shall not be deemed to be void only on the ground—

(*a*) that the performance of the specific object for which the trust was created has become impossible or impracticable, or,

(*b*) that the society or institution does not exist or has ceased to exist, notwithstanding the fact that there was no intent for the appropriation of the trust property for a general charitable or religious purposes.

CHAPTER IV.

REGISTRATION OF PUBLIC TRUSTS.

Regions and sub-regions.

14. (*1*) For the purposes of this Act, the State Government may form regions and sub-regions and may prescribe and alter limits of such regions and sub-regions.

(*2*) The regions and sub-regions formed under this section , together with the limits thereof and every alteration of such limits shall be notified in the *Official Gazette.*

Public Trusts Registration Offices.

15. In every region or sub-region there shall be a Public Trusts Registration Office :

Provided that for two or more regions or sub-regions, there may be one Public Trusts Registration Office :

Provided further that for one region or sub-region there may be one or more Joint Public Trusts Registration Offices.

Deputy or Assistant Charity Commissioner to be in charge of Public Trusts Registration Office.

16. The State Government may appoint a Deputy Charity Commissioner or Assistant Charity Commissioner to be in charge of one or more Public Trusts Registration Offices or Joint Public Trusts Registration Offices.

Books, indices and registers.

17. In every Public Trusts Registration Office or Joint Public Trusts Registration Office, it shall be the duty of the Deputy or Assistant Charity Commissioner in charge to keep and maintain such books, indices and other registers as may be prescribed. Such books, indices and registers shall contain such particulars as may also be prescribed.

Registration of public trusts.

18. (*1*) It shall be the duty of the trustee of a public trust to which this Act has been applied to make an application for the registration of the public trust.

(*2*) Such application shall be made to the Deputy or Assistant Charity Commissioner of the region or sub-region within the limits of which the trustee has an office for the administration of the trust [1][or the trust property or substantial portion of the trust property is situated, as the case may be.]

(*3*) Such application shall be in writing, shall be in such form and accompanied by such fee as may be prescribed.

(*4*) Such application shall—

(*a*) in the case of a public trust created before this Act was applied to it, be made, within three months from the date of the application of this Act, and

(*b*) in the case of a public trust created after this Act comes into force, within three months of its creation.

(*5*) Such application shall *inter alia* contain the following particulars :—

(i) the names and addresses of the trustees and the manager,

(ii) the mode of succession to the office of the trustee,

(iii) the list of the moveable and immovable trust property and such descriptions and particulars as may be sufficient for the identification thereof,

(iv) the approximate value of the moveable and immovable property,

[1] These words were added by Bom. 14 of 1951, s. 5.

(v) the gross average annual income of the trust property estimated on the income of three years immediately preceding the date on which the application is made or of the period which has elapsed since the creation of the trust, whichever period is shorter,

(vi) the amount of the average annual expenditure in connection with such public trust estimated on the expenditure incurred within the period to which the particulars under clause (v) relate,

(vii) the address to which any communication to the trustee or manager in connection with the public trust may be sent,

(viii) such other particulars which may be prescribed :

Provided that the rules may provide that in the case of any or all public trusts it shall not be necessary to give the particulars of the trust property of such value and such kind as may be specified therein.

(*6*) Every application made under sub-section (*1*) shall be signed and verified n the prescribed manner by the trustee or his agent specially authorised by him in this behalf. It shall be accompanied by a copy of an instrument of trust, if such instrument had been executed and is in existence.

Inquiry for registration.

19. On the receipt of an application under section 18, or upon an application made by any person having interest in a public trust or on his own motion, the Deputy or Assistant Charity Commissioner shall make an inquiry in the prescribed manner for the purpose of ascertaining :—

[1][(i) whether a trust exists and whether such trust is a public trust],

(ii) whether any property is the property of such trust,

(iii) whether the whole or any substantial portion of the subject-matter of the trust is situate within his jurisdiction,

(iv) the names and addresses of the trustees and manager of such trust,

(v) the mode of succession to the office of the trustee of such trust,

(vi) the origin, nature and object of such trust,

(vii) the amount of gross average annual income and expenditure of such trust, and

(viii) any other particulars as may be prescribed under sub-section (*5*) of section 18.

Findings of Deputy or Assistant Charity Commissioners.

20. On completion of the inquiry provided for under section 19, the Deputy or Assistant Charity Commissioner shall record his findings with the reasons therefor as to the matters mentioned in the said section.

Entries in register.

21. (*1*) The Deputy or Assistant Charity Commissioner shall make entries in the register kept under section 17 in accordance with the findings recorded by him under section 20 or if appeals [2][or applications] are made as provided by this Act, in accordance with the final decision of the competent authority provided by this Act.

(*2*) The entries so made shall, subject to the provisions of this Act and subject to any change recorded under the following provisions, be final and conclusive.

[1] This clause was substituted for the original by Bom. 14 of 1951, s. 6.
[2] These words were inserted by Bom. 14 of 1951, s. 7.

Change.

22. (*1*) Where any change occurs in any of the entries recorded in the register kept under section 17, the trustee shall, within 90 days from the date of the occurrence of such change, or where any change is desired in such entries in the interest of the administration of such public trust, report such change or proposed change to the Deputy or Assistant Charity Commissioner in charge of the Public Trusts Registration Office where the register is kept. Such report shall be made in the prescribed form.

(*2*) For the purpose of verifying the correctness of the entries in the register kept under section 17 or ascertaining whether any change has occurred in any of the particulars recorded in the register, the Deputy or Assistant Charity Commissioner may hold an inquiry.

(*3*) If the Deputy or Assistant Charity Commissioner, as the case may be, after receiving a report under sub-section (*1*) and holding an inquiry, if necessary under sub-section (*2*), or merely after holding an inquiry under the said sub-section (*2*), is satisfied that a change has occurred in any of the entries recorded in the register kept under section 17 in regard to a particular public trust, he shall record a finding with the reasons therefor to that effect. Such finding shall be appealable to the Charity Commissioner. The Deputy or Assistant Charity Commissioner shall amend the entries in the said register in accordance with such finding and if appeals [1][or applications] were made against such finding, in accordance with the final decision of the competent authority provided by this Act. The amendments in the entries so made shall, subject to any further amendment on the occurrence of a change, be finanl and conclusive.

Procedure where trust property is situate in several regions or sub-regions.

23. If any part of the property of any public trust is situate within the limits of more than one region or sub-region, the Deputy or Assistant Charity Commissioner of the region or sub-region within the limits of which the public trust is registered, shall forward a copy of the entries to the Deputy or Assistant Charity Commissioner in charge of the region or sub-region within the limits of which such part of the trust property is situate. The Deputy or Assistant Charity Commissioner in charge of such region or sub-region shall make an entry in such book as may be prescribed for the purpose. A copy of such entry shall also be sent by the Deputy or the Assistant Charity Commissioner, as the case may be, to the Sub-Registrar appointed under the Indian Registration Act, 1908, of the sub-district within the limits of which such property or part thereof is situate. XVI of 1908.

Stay of inquiry.

24. No Deputy or Assistant Charity Commissioner shall proceed with an inquiry under section 19 or 22 in regard to any public trust which has been already registered in any other region or sub-region.

Inquiry regarding public trust not to be held by more than one Deputy or Assistant Charity Commissioner.

25. (*1*) If an inquiry under section 19 or 22 in regard to any public trust is pending before more than one Charity Commissioner, whether Deputy or Assistant, the Charity Commissioner shall, on the application of any of the persons having interest in such public trust or of any Deputy or Assistant Charity Commissioner before whom such inquiry is pending or on his own motion, determine which of such Deputy or Assistant Charity Commissioner shall proceed with the inquiry in regard to such trust.

[1] These words were inserted by Bom. 14 of 1951, s. 7.

(*2*) The determination of the Charity Commissioner under sub-section (*1*) shall be final and conclusive ; and upon such determination, no Deputy or Assistant Charity Commissioner other than the Deputy or Assistant Charity Commissioner specified by the Charity Commissioner shall proceed with the inquiry in regard to the public trust under section 19 or 22, as the case may be.

Court to forward copy of decision to Charity Commissioner.

26. Any Court of competent jurisdiction deciding any question relating to any public trust which by or under the provisions of this Act is not expressly or impliedly barred from deciding shall cause copy of such decision to be sent to the Charity Commissioner and the Charity Commissioner shall cause the entries in the register kept under section 17 to be made or amended in regard to such public trust in accordance with such decision. The amendments so made shall not be altered except in cases where such decison has been varied in appeal or revision by a court of competent jurisdiction. Subject to such alterations, the amendments made shall be final and conclusive.

Stamping of scrips.

27. (*1*) Where a public trust has been registered under the provisions of this Act, it shall be the duty of the trustee to stamp or indorse in the prescribed manner on each of the scrips which form part of the property of the public trust the name or description of the trust. The Deputy or the Assistant Charity Commissioner making the inquiry under section 19 shall satisfy himself that each of such scrips has been so stamped or indorsed. If he finds that they are not so stamped or indorsed, he may require them to be so stamped or indorsed.

(*2*) In the case of scrips which may become the property of a public trust after its registration under this Act, it shall be the duty of the trustee to stamp or indorse them in the manner referred to in sub-section (*1*) within 15 days from the date on which such scrips have come into his possession. If before the expiry of the said period of 15 days any of such scrips are to be sold, pledged or otherwise transferred, the trustee shall stamp or indorse them in the manner referred to in sub-section (*1*) before such sale, pledge or transfer is effected.

(*3*) Notwithstanding anything contained in sub-sections (*1*) and (*2*) the Deputy or the Assistant Charity Commissioner may, at any time, in order to satisfy himself that any of the scrips which are the property of a public trust have been stamped or indorsed in the manner referred to in sub-section (*1*), require the trustee to produce for his inspection the scrips which are the property of a public trust and may, if such scrips are found not to have been so stamped or indorsed, require them to be so stamped or indorsed.

Public trusts previously registered under enactments specified in Schedule.

28. (*1*) All public trusts registered under the provisions of any of the enactments specified in [1][Schedule A] shall be deemed to have been registered under this Act from the date on which this Act may be applied to them. The Deputy or Assistant Charity Commissioner of the region or sub-region within the limits of which [2][a public trust had been registered under any of the said enactments] shall issue notice to the trustee of such trust for the purpose of recording entries relating to such trust in the register kept under section 17 and shall after hearing the trustee and making such inquiry as he thinks fit record findings with the reasons therefor. Such findings shall be in accordance with the entries in the registers already made under the said enactments subject to such changes as may be necessary or expedient.

[1] This word and letter were substituted for the words "the Schedule" by Bom. 14 of 1951, s. 8 (*i*).
[2] These words were substituted for the words "the trust property or the substantial portion of the trust property is situate", *ibid*, s. 8 (*ii*).

(*2*) Any person aggrieved by any of the findings recorded under sub-section (*1*) may appeal to the Charity Commissioner.

(*3*) The provisions of this Chapter shall, so far as may be, apply to the making of entries in the register kept under section 17 and the entries so made shall be final and conclusive.

Public trust created by will.

29. In the case of the public trust which is created by a will, the executor of such will shall within one month from the date on which the probate of the will is granted or within six months from the date of the testator's death [1][whichever is earlier] make an application for the registration in the manner provided in section 18 and the provisions of this Chapter shall *mutatis mutandis* apply to the registration of such trust :

[2][Provided that the period prescribed herein for making an application for registration may, for sufficient cause, be extended by the Deputy or Assistant Charity Commissioner concerned.

Notice of particulars of immovable property and scrips entered in register.

30. Any person acquiring any immovable property or scrip belonging to a public trust which has been registered under this Chapter or any part of or any share or interest in such property or scrip of such trust shall be deemed to have notice of the relevant particulars relating to such trust entered in the register.

Bar to hear or decide suits.

31. (*1*) No suit to enforce a right on behalf of a public trust which has not been registered under this Act shall be heard or decided in any Court.

(*2*) The provisions of sub-section (*1*) shall apply to a claim of set off or other proceeding to enforce a right on behalf of such public trust.

CHAPTER V.

ACCOUNTS AND AUDIT.

Maintenance of accounts.

32. (*1*) Every trustee of a public trust which has been registered under this Act shall keep regular accounts.

(*2*) Such accounts shall be kept in such form as may be approved by the Charity Commissioner and shall contain such particulars as may be prescribed.

Balancing and auditing of accounts.

33. (*1*) The accounts kept under section 32 shall be balanced each year on the thirty-first day of March or such other day, as may be fixed by the Charity Commissioner.

(*2*) The accounts shall be audited annually in such manner as may be prescribed and by a person [3][who is a chartered accountant within the meaning of the Chartered Accountants Act, 1949] or by such persons as may be authorised in this behalf by the State Government. XXXVIII of 1949.

(*3*) Every auditor acting under sub-section (*2*) shall have access to the accounts and to all books, vouchers, other documents and records in the possession of or under the control of the manager.

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[1] These words were inserted by Bom. 14 of 1951, s. 9 (*i*).
[2] This proviso was added, *ibid*, s. 9 (*ii*).
[3] These words and figures were substituted for the original words, *ibid*, s. 10.

(*4*) Notwithstanding anything contained in the preceding sub-sections, the Charity Commissioner may direct a special audit of the accounts of any public trust whenever in his opinion such special audit is necessary. The provisions of sub-sections (*2*) and (*3*) shall, so far as may be applicable, apply to such special audit. The Charity Commissioner may direct the payment of such fee as may be prescribed for such special audit.

Auditor's duty to prepare balance sheet and to report irregularities etc.

34. (*1*) It shall be the duty of every auditor auditing the accounts of a public trust under section 33 to prepare a balance sheet and income and expenditure account and to forward a copy of the same to the Deputy or Assistant Charity Commissioner of the region or sub-region or to the Charity Commissioner, if the Charity Commissioner requires him to do so.

(*2*) The auditor shall in his report specify all cases of irregular, illegal or improper expenditure, or failure or omission to recover moneys or other property belonging to the public trust or of loss or waste of money or other property thereof and state whether such expenditure, failure, omission, loss or waste was caused in consequence of a breach of trust, or misapplication or any other misconduct on the part of the trustees, or any other person.

Investment of public trust money.

35. Where the trust property consists of money and cannot be applied immediately or at any early date to the purposes of the public trust the trustee shall be bound (subject to any direction contained in the instrument of the trust) to invest the money in public securities :

Provided that such money may be invested in the first mortgage of immovable property situate in a Part A State or a Part C State if the property is not leasehold for a term of years and the value of the property exceeds by one-half the mortgage money:

Provided further that the Charity Commissioner may by general or special order permit the trustee of any public trust or classes of such trusts to invest the money in any other manner.

Alienation of immovable property of public trust.

36. Subject to the directions in the instrument of trust—

(*a*) no sale, mortgage, exchange or gift of any immovable property, and

(*b*) no lease for a period exceeding ten years in the case of agricultural land or for a period exceeding three years in the case of non-agricultural land or a building,

belonging to a public trust, shall be valid without the previous sanction of the Charity Commissioner.

CHAPTER VI.

CONTROL.

Power of inspection and supervision.

37. The Charity Commissioner, the Deputy or Assistant Charity Commissioner or any officer authorised by the State Government by a general or special order shall have power—

(*a*) to enter on and inspect or cause to be entered on and inspected any property belonging to a public trust;

(*b*) to call for or inspect any extract from any proceedings of the trustees of any public trust and any book or account in the possession of or under the control of the trustees;

(*c*) to call for any return, statement, account or report which he may think fit from the trustees or any person connected with a public trust :

Provided that in entering upon any property belonging to the public trust the officers making the entry shall give reasonable notice to the trustee and shall have due regard to the religious practices or usages of the trust.

Explanation on report of auditor.

38. On receipt of a report of the auditor under section 34 the Deputy or Assi tant Charity Commissioner to whom the report is submitted shall require the trustee or any other person concerned to submit an explanation thereon within such period as he thinks fit.

Report to Charity Commissioner.

39. If on the consideration of the report of the auditor, the accounts and explanation, if any, furnished by the trustees or any other person, the Deputy or Assistant Charity Commissioner is, after holding an inquiry in the prescribed manner, satisfied that the trustees or any other person has been guilty of gross negligence, a breach of trust, misapplication or misconduct which has resulted in the loss to the public trust, he shall report the matter to the Charity Commissioner.

Decision of Charity Commissioner on report under section 39.

40. The Charity Commissioner shall, after considering the report of the Deputy or Assistant Charity Commissioner, giving an opportunity to the person concerned and holding such inquiry as he thinks fit, determine—

(*a*) the amount of loss caused to a public trust;

(*b*) whether such loss was due to any breach of trust, misapplication or misconduct on the part of any person;

(*c*) whether any of the trustees, or any other person was responsible for such loss;

(*d*) the amount which any of the trustees or any other person is liable to pay to the public trust for such loss.

Order of surcharge.

41. (*1*) If the Charity Commissioner decides that any person is liable to pay to the public trust any amount for the loss caused to the trust, the Charity Commissioner may direct that the amount shall be surcharged on the person.

(*2*) Subject to the provisions of section 72, the order of the Charity Commissioner under sub-section (*1*) shall be final and conclusive.

CHAPTER VII.

Other Functions and Powers of Charity Commissioner.

Charity Commissioner to be corporation sole.

42. The Charity Commissioner shall be a corporation sole and shall have perpetual succession and a common seal and may sue and be sued in his corporate name.

Charity Commissioner to be Treasurer of Charitable Endowments under Act VI of 1890.

43. Notwithstanding anything contained in the Charitable Endowments Act, 1890, the Charity Commissioner shall be deemed to be and to have always been the Treasurer of Charitable Endowments for the State of Bombay appointed under the provisions of the said Act, and the property vesting in the said Treasurer before the date on which this Act comes into force shall be deemed to vest in the Charity Commissioner as the Treasurer of Charitable Endowments; and the provisions of the said Act shall apply to the Charity Commissioner, as the Treasurer of Charitable Endowments appointed under the said Act. VI of 1890.

Charity Commissioner can act as trustee of public trusts.

44. (*1*) Subject to the provisions of this Act [1][and] the rules made thereunder the Charity Commissioner may be appointed to act as a trustee of a public trust by a Court of competent jurisdiction or by the author of the trust.

[1] This word was substituted for the word "or" by Bom. 14 of 1951, s. 11.

(*2*) Save as herein provided, the Charity Commissioner acting as a trustee of a public trust shall have the same powers, duties and liabilities, and be entitled to the same rights and privileges as any other trustee of a public trust.

(*3*) The Charity Commissioner may decline, either absolutely or except on such conditions as he may impose, to accept any trust.

(*4*) The Charity Commissioner shall be the sole trustee and it shall not be lawful to appoint him as a trustee along with other persons.

Charity Commissioner may with consent be appointed trustee of settlement by grantor.

45. (*1*) Any person intending to create a public trust may by the instrument creating the trust and with the consent of the Charity Commissioner appoint him by that name or any other description to be the trustee of such trust:

Provided that the consent of the Charity Commissioner shall be recited in the said instrument and that such instrument shall be executed by the Charity Commissioner or any officer duly authorised by him in that behalf.

(*2*) Upon such appointment the trust property shall vest in the Charity Commissioner and shall be held by him upon the terms declared in such instrument.

Appointment of Charity Commissioner as trustee under will.

46. Where the Charity Commissioner by that name or any other sufficient description has been appointed a trustee of any public trust under any will, the executor of the will of the testator or the administrator of his estate shall [1][within a period of three months from the date of] obtaining probate or letters of administration, notify in the prescribed manner, the contents of such will to the Charity Commissioner and if the Charity Commissioner consents to accept the trust, then upon the execution by such executor or administrator of an instrument in writing transferring the property subject to the trust to the Charity Commissioner, such property shall vest in the Charity Commissioner and shall be held by him upon the trust expressed in the will:

Provided that the consent of the Charity Commissioner shall be recited in the instrument and that such instrument shall be executed by the Charity Commissioner or any officer duly authorised by him in that behalf:

[2][Provided further that where, under any law for the time being in force, no probate or letters of administration are necessary for the administration of the estate of the testator, the executor or administrator, as the case may be, shall notify the contents of the will within the period of three months from the time when the contents of the will became known to him.]

Power of Court to appoint new trustee or trustees, as the case may be.

47. (*1*) Any person interested in a public trust or the Charity Commissioner may apply to the Court for the appointment of a new trustee, when a trustee of such trust—

(*a*) disclaims or dies;

(*b*) is for a continuous period of six months absent from India without the leave of the Charity Commissioner or Deputy or Assistant Charity Commissioner or the Officer authorised by the State Government in this behalf;

(*c*) leaves India for the purpose of residing abroad;

(*d*) is declared an insolvent;

(*e*) desires to be discharged from the trust;

(*f*) refuses to act as a trustee;

(*g*) becomes in the opinion of the Court unfit or physically incapable to act in the trust or accepts a position which is inconsistent with the trust; or

(*h*) in any of the cases mentioned in Chapter III is not available to administer the trust.

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[1] These words were substituted for the word "after" by Bom. 14 of 1951, s. 12 (*i*).
[2] This proviso was added, *ibid.*, s. 12 (*ii*).

(*4*) Subject to the decision of the Bombay Revenue Tribunal in appeal under section 71, the decision of the Charity Commissioner under sub-section (*1*) shall be final and conclusive.

V of 1908.

52. Notwithstanding anything contained in the Code of Civil Procedure, 1908, the provisions of sections 92 and 93 of the said Code shall not apply to the public trusts : **Non-application of sections 92 and 93 of Civil Procedure Code to public trusts.**

[1][Provided that if on the date of the application of the Act to any public trust any legal proceedings in respect of such trust are pending before any court including the High Court to which the Advocate General or the Collector exercising the powers of the Advocate General is a party, the Charity Commissioner shall be deemed to be substituted in those proceedings for the Advocate General or the Collector, as the case may be, and such proceedings shall be disposed of by such Court.]

53. (*1*) Where under any will a bequest has been made in favour of a public trust or where such bequest itself creates a public trust, it shall be the duty of the executor under the will to forward a copy thereof to the Deputy or Assistant Charity Commissioner for the region or sub-region where such will may have been, or is required to be, registered. **Bequest under will for benefit of public trust.**

(*2*) No probate of any such will or letters of administration with such will annexed shall be granted by any Court whatsoever unless it is satisfied that a copy of such will has been forwarded to the Deputy or Assistant Charity Commissioner as provided by sub-section (*1*).

54. (*1*) Where according to the custom or usage of any business or trade or the agreement between the parties relating to any transaction any amount is charged to any party to the said transaction or collected under whatever name, as being intended to be used for a charitable or religious purpose the amount so charged or collected [2][(in this Act called —" dharmada ")] shall vest in the person charging or collecting the same as a trustee. **Dharmada.**

(*2*) Any person charging or collecting such sums shall within three months from the expiration of the year for which his accounts are ordinarily kept submit an account in such form as may be prescribed to the Deputy or Assistant Charity Commissioner.

(*3*) The Deputy or Assistant Charity Commissioner shall have power to make such inquiry as he thinks fit to verify the correctness of the account submitted and may pass order for the disposal of the amount in the manner prescribed.

[3][(*4*) The provisions of chapter IV shall not apply to dharmada.]

55. (*1*) If at any time the Charity Commissioner is of opinion that— **Cypres.**

(*a*) the original object for which the public trust was created has failed,

(*b*) the income or any surplus balance of any public trust has not been utilized or is not likely to be utilized,

(*c*) it is not in public interest expedient, practicable, desirable, necessary or proper to carry out wholly or partially the original intention of the author of the public trust or the object for which the public trust was created and that the property or the income of the public trust or any portion thereof should be applied to any other charitable or religious object,

[1] This proviso was added by Bom. 14 of 1951, s. 13.
[2] These brackets and words were inserted, *ibid*, s. 14 (*i*).
[3] This sub-section was added, *ibid*, s. 14 (*ii*).

(*d*) in any of the cases mentioned in sections 10 to 13 or in regard to the appropriation of the dharmada sums held in trust under section 54 the directions of the court are necessary,

the Charity Commissioner shall give notice in writing to the trustees to apply to the court within the time prescribed for directions.

(*2*) If the trustees fail to make the application as required under sub-section (*1*) or if the Charity Commissioner himself is a trustee or if there is no trustee of the public trust, the Charity Commissioner shall make an application to the court.

Court's power to hear application.

56. (*1*) On such application being made, the court after hearing the parties and making an inquiry shall decide the matter and shall give directions. In giving the directions, the court shall, so far as may be expedient, practicable, desirable or necessary in public interest, give effect to the original intention of the author of the public trust or the object for which the public trust was created. If the Court is of opinion that the carrying out of such intention or object is not wholly or partially expedient, practicable, desirable or necessary in public interest, the court may direct the property or income of the public trust or any portion thereof to be applied *cypres* to any other charitable or religious object. In doing so, it shall be lawful for the court to alter any scheme already settled or to vary the terms of any decree or order already passed in respect of the public trust or the conditions contained in the instrument of the public trust.

(*2*) Any decision or order passed by the court under sub-section (*1*) shall be deemed to be a decree of such court and an appeal shall lie therefrom to the High Court.

CHAPTER VIII.

PUBLIC TRUSTS ADMINISTRATION FUND.

Public Trusts Administration Fund.

57. (*1*) There shall be established a fund to be called the Public Trusts Administration Fund. The Fund shall vest in the Charity Commissioner.

(*2*) The following sums shall be credited to the said Fund, namely :—

(*a*) fees and administrative charges leviable under sections 18 and 48 ;

(*b*) contributions made under section 58 ;

(*c*) the amount from the funds or the portion thereof credited under section 61 ;

(*d*) any sum received from a private person ;

(*e*) any sum allotted by the State Government or any local authority ; and

(*f*) any other sum which may be directed to be credited by or under the provisions of this Act.

Contribution by public trusts to Public Trusts Administration Fund.

58. Every public trust shall pay to the Public Trusts Administration Fund annually such contribution on such date and in such manner as may be prescribed :

[1][Provided that the contribution prescribed under this section shall,—

(*i*) in the case of a dharmada, be fixed at rates in proportion to the gross annual collection or receipts of the dharmada ;

(*ii*) in the case of other public trusts, be fixed at rates in proportion to the gross annual income of such public trust.]

[1] This proviso was substituted for the original by Bom. 14 of 1951, s. 15, (*1*).

[1][*Explanation.*—For the purposes of this section, the gross annual income shall include gross income from all sources in a year excluding donations given or offerings made with a specific direction that they shall form part of the corpus of the public trust :

Provided that the interest or income accruing from such donations or offerings in the years following that in which they were given or made shall be taken into account in calculating the gross annual income.]

59. (*1*) If the trustee of a public trust (other than the Charity Commissioner) [2][or the person charging or collecting dharmada] fails to pay the contribution under section 58, he shall be liable to penalties provided in section 66. Penalties as recovery of contribution.

(*2*) The Charity Commissioner may also make an order directing the bank in which or any person with whom any moneys belonging to the public trust are deposited to pay the contribution from such moneys as may be standing to the credit of the public trust or may be in the hands of such person or may from time to time be recovered from or on behalf of the public trust by way of deposit by such bank or person and such bank or person shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such bank or person from all liability to the public trust in respect of any sum or sums so paid by it or him out of the moneys belonging to the public trust so deposited with the bank or person.

(*3*) Any bank or person who has been ordered under sub-section (*2*) to make the payment may appeal to the State Government and the State Government may, after making such inquiry as it thinks fit, confirm, modify or cancel such order.

60. (*1*) The Public Trusts Administration Fund shall, subject to the provisions of this Act and subject to the general or special order of the State Government, be applicable to the payment of charges for expenses incidental to the regulation of public trusts and generally for carrying into effect the provisions of this Act. Application of Public Trusts Administration Fund.

(*2*) The custody and investment of the moneys to be credited to the Public Trusts Administration Fund and the disbursement and payment therefrom shall be regulated and made in the prescribed manner.

61. On the application of this Act to any public trust or class of public trusts which may have been registered under any of the Acts specified in [3][Schedule A] the State Government may direct that the amount of any fund for the administration of public trusts constituted under the said Act for the region or sub-region in which public trust or class of public trusts was registered or any portion thereof shall be credited to the Public Trusts Administration Fund constituted under this Chapter. State Government to direct crediting of funds constituted under any Act in Schedule to Public Trusts Administration Fund constituted under this Chapter.

CHAPTER IX.

ASSESSORS.

62. (*1*) On such date as may be prescribed, the Deputy or Assistant Charity Commissioner shall prepare lists of persons liable to serve as assessors. Lists of Assessors.

[1] This Explanation was added by Bom. 14 of 1951, s. 15 (*2*).
[2] These words were inserted by Bom. 14 of 1951, s. 16.
[3] This word and letter were substituted for the words "the Schedule," *ibid*, s. 17.

(*2*) Every person between the ages of 25 and 65 shall, except as may be prescribed by rules, be liable and serve as an assessor under this Act.

(*3*) In the preparation of the lists, regard shall be had to the property, character, education, and religion of persons whose names are entered therein.

(*4*) The lists so prepared shall be submitted to the Charity Commissioner and when approved by him shall be published in the *Official Gazette*.

(*5*) The lists published under sub-section (*4*) shall be in operation for a period of three years:

Provided that the Charity Commissioner may before the expiry of the said period direct any additions or alterations to be made therein.

(*6*) The lists published under sub-section (*4*) shall, notwithstanding anything contained in sub-section (*5*) be deemed to be valid and in operation for a further period of one year or until new lists are prepared in substitution thereof, whichever period expires first.

Person summoned to attend at the time and place specified.

63. Every person summoned to serve as an assessor by the Deputy or Assistant Charity Commissioner shall attend at the time and place when and where he is so summoned to attend, unless he is prevented from such attendance by a reasonable excuse.

Cases in which in assessors shall be summoned.

64. In the following proceedings assessors shall be summoned to assist and advise the Charity Commissioner, Deputy or Assistant Charity Commissioner, as the case may be, namely :—

(*a*) an inquiry for the registration of a public trust under section 19 or an inquiry regarding a change in any of the particulars relating thereto under section 22 ;

(*b*) an inquiry regarding any of the public trusts registered under any of the Acts specified in [1][Schedule A] under section 28 ;

(*c*) an inquiry regarding the loss caused to a public trust in consequence of the act or conduct of a trustee or any other person under section 40 ;

(*d*) any other inquiry in which by rules or a general or special order made by the State Government in this behalf, the assessors are required to assist and advise the Charity Commissioner, the Deputy or Assistant Charity Commissioner or any other officer appointed under this Act.

Number of assessors to be called.

65. (*1*) The Deputy or Assistant Charity Commissioner shall choose such number of assessors not less than three and not more than five as he deems fit to aid and assist him. In any inquiry relating to a public trust which is for the benefit of the members belonging to a particular religious denomination, the assessors chosen shall, as far as may be practicable, belong to the said religious denomination.

(*2*) At the conclusion of the inquiry he shall record their opinion in writing and require them to sign it. The opinion so recorded shall form part of the proceedings and due consideration shall be given to it in passing an order or arriving at a decision or making a report in the inquiry.

[1] This word and letter were substituted for the words "the Schedule" by Bom. 14 of 1951, s. 17.

(*3*) If in the course of any inquiry at any time before its conclusion, any assessor is from any sufficient cause, prevented from attending throughout the inquiry or absents himself and it is not practicable to enforce the attendance, the inquiry may be proceeded with the aid of the other assessor or assessors.

(*4*) If all the assessors are prevented from attending or absent themselves, without sufficient cause, the inquiry shall be proceeded with the aid of fresh assessors :

Provided that if the Deputy or Assistant Cahrity Commissioner holding the inquiry is satisfied that for sufficient and adequate reasons the inquiry need not be delayed, he shall complete the inquiry and shall report the matter to the Charity Commissioner.

(*5*) The assessors shall be entitled to such allowances as may be prescribed.

CHAPTER X.

Offences and Penalties.

Penalty

66. Whoever contravenes any provision of any of the sections mentioned in the first column of the following table shall, on conviction, for each such offence be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table headed "Subject" are not intended as the definitions of offences described in the sections mentioned in the first column or even as abstracts of those sections, but are inserted merely as references to the subject of the sections, the numbers of which are given in the first column :

Table.

Section.	Subject.	Fine which may be imposed.
1	2	3
Section 18	... Duty of a trustee to make an application for the registration of a public trust within the time provided for.	Rs. 1,000.
Section 22	... Failure to report a change ...	Rs. 1,000.
Section 27	... Duty of the trustee to stamp or indorse scrips.	Rs. 1,000.
Section 29	... Duty of an executor to apply for the registration of a public trust within the time provided for.	Rs. 1,000.
Section 32	... Duty to keep regular accounts ...	Rs. 1,000.
Section 35	... Failure or omission to invest money in public securities.	Rs. 1,000.
Section 59	... Failure to pay contribution under section 58 by a trustee (other than the Charity Commissioner) [1][or by a person charging or collecting dharmada.]	Rs. 1,000.
Section 63	... Requiring an assessor to attend ...	Rs. 500.

[1] These words were inserted by Bom. 14 of 1951, s. 18.

Other offences.

67. Whoever contravenes any of the provisions of this Act or the rules for which no specific penalty has been provided by this Act, shall, on conviction, be punished with fine which may extend to Rs. 500.

CHAPTER XI.

FUNCTIONS OF CHARITY COMMISSIONERS, PROCEDURE, JURISDICTION AND APPEALS.

Duties, functions and powers of Deputy or Assistant Charity Commissioner.

68. For the purposes of this Act, the following shall be the duties and functions to be performed and powers to be exercised by the Deputy or Assistant Charity Commissioner for the region or sub-region for which he is appointed, namely :—

(*a*) to keep and maintain such books, entries and other documents as may be prescribed under section 17 ;

(*b*) to hold an inquiry under section 19 or 22 for any of the purposes mentioned in the said section ;

(*c*) to record entries in the register kept under section 17 and to make amendments in the said entries under section 22 ;

(*d*) to enter on and inspect any trust property, to call for and inspect any proceedings of a trustee and to call for any return, statement, account or report from trustees or any person connected with a public trust under section 37 ;

(*e*) to permit inspection of any statement, notice, intimation, account, audit note or any other document ;

(*f*) to prepare a list of assessors under section 62 and to choose and summon them under sections 63 and 65 for the purpose of inquiries under this Act ;

(*g*) to exercise such other powers and to perform such other duties and functions as may be prescribed.

Duties, functions and powers of Charity Commissioner.

69. For the purposes of this Act, the following shall be the duties to be performed and powers to be exercised by the Charity Commissioner, namely :—

(*a*) the general superintendence of the administration and carrying out the purposes of this Act under section 3 ;

(*b*) power to entertain and dispose of appeals from the findings of a Deputy or Assistant Charity Commissioner under section 20, 22 or 28 ;

(*c*) power to determine which of the Deputy or Assistant Charity Commissioners shall proceed with an inquiry relating to the registration of any public trust under section 25 ;

(*d*) power to direct a special audit of the accounts of a public trust under section 33 ;

(*e*) power to require an auditor to forward to him a copy of a balance sheet and income and expenditure account under section 34 ;

(*f*) power to permit a trustee to invest money of a public trust in any manner other than in public securties under section 35 ;

(*g*) power to sanction a sale, mortgage, exchange, gift or lease of immovable property belonging to a public trust under section 36 ;

(*h*) power to enter on and inspect any trust property, to call for and inspect any proceedings of a trustee, and to call for any return, statement, account or report from trustees or any person connected with a public trust under section 37 ;

(*i*) power to hold an inquiry in regard to any loss caused to a public trust under section 40, and to order a surcharge under section 41 ;

VI of 1890. (*j*) power to act as the Treasurer of Charitable Endowments under the Charitable Endowments Act, 1890, under section 43 ;

(*k*) power to act as a trustee of a public trust ;

(*l*) power to file a suit under section 50 ;

(*m*) power to give or refuse consent to the institution of a suit under section 51 ;

(*n*) power to give notice to trustees for the *cypres* application of the trust money and to make an application to the court under section 55 ;

(*o*) power to publish the lists of assessors under section 62 ;

(*p*) to exercise such other powers and perform such other duites and functions as may be prescribed.

Appeals from findings of Deputy or Assistant Charity Commissioner.

70. (*1*) An appeal against the finding of the Deputy or Assistant Charity Commissioner may be filed to the Charity Commissioner in the following cases :—

(*a*) the finding under section 20 ;

(*b*) the finding under section 22 ;

(*c*) the finding under section 28 ;

(*d*) the order under sub-section (*3*) of section 54.

(*2*) No appeal shall be maintainable after the expiration of sixty days from the recording of the finding or the passing of the order, as the case may be.

(*3*) The Charity Commissioner may, after hearing the appellant or any person appearing on his behalf, for reasons to be recorded in writing either annul, reverse, modify or confirm the finding or the order appealed against or he may direct the Deputy or Assistant Charity Commissioner to make further inquiry or to take such additional evidence as he may think necessary or he may himself take such additional evidence.

Appeal to Bombay Revenue Tribunal.

71. (*1*) The appeal to the Bombay Revenue Tribunal under sub-section (*2*) of section 51 against the decision of the Charity Commissioner refusing consent to the institution of the suit shall be filed within sixty days from the date of such decision in such form and shall be accompanied by such fee as may be prescribed.

(*2*) The Bombay Revenue Tribunal after making such inquiry as it thinks fit may confirm, revoke or modify the decision of the Charity Commissioner.

(*3*) The decision of the Bombay Revenue Tribunal shall be final and conclusive.

Application from Charity Commissioner's decision under section 40, 41 or 70, etc.

72. (*1*) Any person aggrieved by the decision of the Charity Commissioner under section 40, 41 or 70 or on the questions [1][whether a trust exists and whether such trust is a public trust] or whether any property is the property of such trust [2]* * * may, within sixty days from the date of the decision, apply to the court to set aside the said decision.

(*2*) The court after taking such evidence as it thinks necessary may confirm, revoke or modify the decision or remit the amount of the surcharge and make such orders as to costs as it thinks proper in the circumstances.

(*3*) Pending the disposal of an application under sub-section (*2*), all proceedings for surcharge shall be stayed if the person aggrieved makes out a *prima facie* case for a stay order.

(*4*) An appeal shall lie to the High Court against the decision of the court under sub-section (*2*) as if such decision was a decree from which an appeal ordinarily lies.

Officers holding inquiries to have powers of civil court.

73. In holding inquiries under this Act, the officer holding the same shall have the same powers as are vested in courts in respect of the following matters under the Code of Civil Procedure, 1908, in trying a suit— V of 1908.

(*a*) proof of facts by affidavits,

(*b*) summoning and enforcing the attendance of any person and examining him on oath,

(*c*) compelling the production of documents,

(*d*) issuing of commissions.

Inquiries to be judicial inquiries.

74. All inquiries and appeals under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. XLV of 1860

Limitation.

75. In computing the period of appeal under this Chapter, the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeals. IX of 1908

Civil Procedure Code to apply to proceedings under this Act.

76. Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the Code of Civil Proceedure, 1908, shall apply to all proceedings before the court under this Act. V of 1908

Recovery of sums due under section 18, 41 [3][48, 79A or 79C]. or rules.

77. All sums payable under section 18, 41 [3][48, 79A or 79C] or under any rule, if not paid, shall notwithstanding anything contained in any law, be recoverable as an arrear of land revenue.

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[1] These words were substituted for the words "whether a trust is a public trust" by Bom. 14 of 1951, s. 19 (*i*).

[2] The words and figures "under Chapter IV" were deleted, *ibid*, s. 19 (*ii*).

[3] These figures, letters and word were substituted for the word and figures "or 48" by Bom. 14 of 1951, s. 20.

CHAPTER XII.

MISCELLANEOUS.

78. The Charity Commissioner, Deputy and Assistant Charity Commissioners, Inspectors and other subordinate officers and Assessors appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Charity Commissioner and other officers and assessors to be public servants.

79. (*1*) Any question, [1][whether or not a trust exists and such trust is a public trust] or particular property is the property of such trust, shall be decided by the Deputy or Assistant Charity Commissioner or the Charity Commissioner in appeal as provided by this Act.

Decision of property as public trust property.

(*2*) The decision of the Deputy or Assistant Charity Commissioner or the Charity Commissioner in appeal, as the case may be, shall, unless set aside by the decision of the court [2][on application] or of the High Court in [3]* appeal, be final and conclusive.

[4][**79A.** All costs, charges and expenses incurred by the Charity Commissioner, or the Deputy or Assistant Charity Commissioner as a party to, or in connection with, any legal proceeding in respect of any public trust shall, notwithstanding anything contained in section 79B, be payable out of the property or funds of the public trust, except in cases where the liability to pay the same has been laid on any party or other person personally and the right to reimbursement under this section has been negatived in express terms.

Recovery of costs and expenses incurred on legal proceedings by Charity Commissioner, etc.

79B. The costs, charges and expenses of and incidental to any suit, appeal or application to any court including the High Court under this Act shall be in the discretion of the court, which may, subject to the provisions of section 79A, direct the whole or any part of such costs, charges and expenses to be met from the property or funds of the public trust concerned or to be borne and paid in such manner and by such persons as it thinks fit.

Costs of proceedings before Courts including High Court.

79C. The costs, charges and expenses of and incidental to any appeal, application or other proceeding before the Charity Commissioner or the Deputy or Assistant Charity Commissioner shall be in his discretion and he shall have full power to determine by whom or out of what property or funds and to what extent such costs, charges and expenses are to be paid.

Costs of proceeding before Charity Commissioner, etc.

79D. Notwithstanding anything contained in the Court-fees Act, 1870, the documents described in columns 1 and 2 of Schedule B hereto shall bear a court-fee stamp of the value specified in column 3 thereof.] VII of 1870.

Court-fee to be paid as prescribed by Schedule B.

80. Save as expressly provided in this Act, no civil court shall have jurisdiction to decide or deal with any question which is by or under this Act to be decided or dealt with by any officer or authority under this Act, or in respect of which the decision or order of such officer or authority has been made final and conclusive.

Bar of jurisdiction.

81. (*1*) No suit, prosecution or other proceeding shall be instituted against the State Government or any officer or authority in respect of anything in good faith done or purporting to be done under this Act.

Indemnity from suits and proceedings.

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[1] These words were substituted for the original by Bom. 14 of 1951, s. 21 (*1*).
[2] These words were substituted for the words "in appeal", *ibid*, s. 21 (*2*) (*i*).
[3] The word "further" was deleted, *ibid*, s. 21 (*2*) (*ii*).
[4] Sections 79A to 79D were inserted by Bom. 14 of 1951, s. 22.

(*2*) Subject to the provisions of sub-section (*1*), no suit under section 50 shall, without the previous sanction of the State Government, be instituted against the Charity Commissioner in respect of a public trust of which he has been authorised to act as a trustee.

Trial of offences under this Act.

82. No court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try an offence punishable under this Act.

Previous sanction of Charity Commissioner necessary for prosecution.

83. No prosecution for an offence punishable under this Act, shall be instituted without the previous sanction of the Charity Commissioner.

Rules.

84. (*1*) The State Government may make rules for the purpose of carrying into effect the provisions of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following matters, namely :—

(*a*) the manner of publishing the notification under sub-section (*4*) of section 1 ;

(*b*) the powers, duties and functions of the officers other than the Charity Commissioner, Deputy and Assistant Charity Commissioners appointed under this Act in addition to those provided for in this Act ;

(*c*) the powers, duties and functions of assessors in addition to those provided for in this Act ;

(*d*) the limits of regions and sub-regions to be prescribed under sub-section (*1*) of section 14 ;

(*e*) the books, indices and registers to be kept and maintained in a Public Trusts Registration Office, and the particulars to be entered in such books, indices and registers under section 17 ;

(*f*) the form in which an application for the registration of a public trust is to be made and the fee to be paid for the same, the other particulars to be entered therein and the manner in which an application for such registration is to be signed and verified and the value and kind of trust property in respect of which it shall not be necessary to give particulars under section 18 ;

(*g*) the manner in which an inquiry has to be made by the Deputy or Assistant Charity Commissioner under sections 19 and 39 ;

(*h*) the form in which the [1][trustee] has to make a report regarding the change under section 22 ;

(*i*) the book in which the Deputy or Assistant Charity Commissioner shall make an entry under section 23 ;

(*j*) the manner of stamping or indorsing on the scrips under sub-section (*1*) of section 27 ;

(*k*) the particulars to be entered in the accounts under sub-section (*2*) of section 32 and the fee to be paid for special audit under section 33 ;

(*l*) the manner of notifying contents of the will under section 46 ;

(*m*) the administrative charges to be levied under sub-section (*1*) of section 48 ;

(*n*) the form of account to be submitted under sub-section (*2*), and the manner of passing order under sub-section (*3*), of section 54 ;

(*o*) the time within which trustees may apply to the court for directions under sub-section (*1*) of section 55 ;

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[1] This word was substituted for the words "Deputy or Assistant Charity Commissioner shall be

(*p*) the date on which and the manner in which and the amount of contribution which every public trust shall pay annually under section 58 and the manner in which the custody and investment of, and the disbursement and payment from, such fund shall be made under section 60 ;

(*q*) the date on which the Deputy or Assistant Charity Commissioner shall prepare a list of assessors under sub-section (*1*), and the persons who may be exempted to serve as assessors under sub-section (*2*), of section 62 ;

(*r*) the allowances to be paid to assessors under sub-section (*5*) of section 65 ;

(*s*) the other powers, duties and functions to be exercised and performed by a Deputy or Assistant Charity Commissioner under section 68 ;

(*t*) the other powers, duties and functions to be exercised and performed by the Charity Commissioner under section 69 ;

(*u*) the form of appeal and the fee to be paid for filing such appeal under section 71 ;

(*v*) the custody and investment of the money to be credited to the Public Trusts Administration Fund and the disbursement and payment therefrom ;

(*w*) any other matter which is to be or may be prescribed under this Act.

(*3*) All rules made under this section shall be subject to the condition of previous publication.

XX of 1863. **85.** (*1*) The Religious Endowments Act, 1863, is hereby repealed. Repeal.

(*2*) On the application of the provisions of this Act to any public trust or class of public trusts, under sub-section (*4*) of section 1, the provisions of the Act specified in [1][Schedule A] which apply to such trust or class of trusts shall cease to apply to such trust or class of trusts.

(*3*) Such repeal or cessation shall not in any way affect—

(*a*) any right, title, interest, obligation or liability already acquired, accrued or incurred before the date of the application of this Act,

(*b*) any legal proceedings or remedy in respect of such right, title, interest, obligation or liability, or

(*c*) anything duly done or suffered before the date of the application of this Act.

[2][SCHEDULE A.]

(*See* section 28, 61, 64 and 85.)

XIV of 1920. 1. The Charitable and Religious Trusts Act, 1920.

XLII of 1923. 2. The Mussalman Wakf Act, 1923, as amended by Bombay Act XVIII of 1935.

Bom. XXV of 1935. 3. The Bombay Public Trusts Registration Act, 1935.

4. The Parsee Public Trusts Registration Act, 1936.

Bom. XXIII of 1936. 5. The Baroda Public Institutions Act (Baroda Act No. VI of Samvat 1961).

XX of 1863. 6. The Religious Endowments Act, 1863 as applied to the Jamkhandi State in 1890.

7. The Deosthan Rules, 1912, of the Jamkhandi State as amended by Jamkhandi Act No. 1 of 1948.

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[1] This word and letter were substituted for the words "the Schedule" by Bom. 14 of 1951, s. 17.

[2] This word and letter were substituted for the word "Schedule", *ibid*, s. 23.

[1][SCHEDULE B.

Section.	Description of Documents.	Value.
1	2	3
18(*1*)	Application for the registration of a public trust	Rs. 2
22(*1*)	Report of any change or proposed change in any of the entries recorded in the register kept under section 17.	Re. 1
25(*1*)	Application of any person having interest in a public trust to the Charity Commissioner to determine which of the Deputy or Assistant Charity Commissioners shall proceed with an inquiry under section 19 or 22 in regard to any public trust.	Rs. 2
29	Application by the executor of a will for the registration of a public trust created by such will.	Rs. 2
36	Application for sanction of the Charity Commissioner for alienation of immovable property of a public trust.	Rs. 10
44	Application by the author of a public trust to the Charity Commissioner for his consent to act as trustee of the public trust.	Rs. 10
45	Application by a person intending to create a public trust to the Charity Commissioner for his consent to act as trustee of such trust.	Rs. 10
46	Communication by the executor of a will of a testator or the administrator of his estate notifying to the Charity Commissioner the contents of the will under which he has been appointed a trustee.	Rs. 10
47(*1*)	Application to the Court by the Charity Commissioner or any person having interest in a public trust for the appointment of a new trustee.	Rs. 10
47(*6*)	Appeal to the High Court from the decision of the court in application filed under sub-section (*1*) of section 47.	Rs. 10
51(*1*)	Application to the Charity Commissioner for consent to file a suit of the nature specified in section 50.	Rs. 10
59(*3*)	Appeal to the State Government against the order of the Charity Commissioner for the payment of contribution by a bank or person from the money standing to the credit of the public trust with such bank or person.	Rs. 10
70(*1*)	Appeal to the Charity Commissioner against the finding of Deputy or Assistant Charity Commissioner under section 20, 22 or 28 or order under sub-section (*3*) of section 54.	Rs. 10

[1] This Schedule was inserted by Bom. 14 of 1951, s. 23.

SCHEDULE B—*contd.*

Section.	Description of Document.	Value.
1	2	3
71(*1*)	Appeal to the Bombay Revenue Tribunal against the decision of the Charity Commissioner refusing consent to the institution of a suit.	Rs. 10
72(*1*)	Application to the court against the decision of the Charity Commissioner under section 40, 41 or 70 or on the question whether a trust exists and whether such trust is a public trust or whether any property is the property of such trust.	Rs. 10
72(*4*)	Appeal to the High Court against the decision of the Court under sub-section (*2*) of section 72.	Rs. 10
	Mukhtarnama or Wakalatnama when presented for the conduct of any inquiry, appeal or other proceeding to the Charity Commissioner, or the Deputy or Assistant Charity Commissioner.	Re. 1
	Any other application or petition presented to the Charity Commissioner or the Deputy or Assistant Charity Commissioner.]	Re. 1

The Bombay District Police Act, 1890 (Bom. IV of 1890), at pages 987–1034 has been repealed by the Bombay Police Act, 1951 (Bom. XXII of 1951), section 167, Schedule I.

The City of Bombay Police Act, 1902 (Bom. IV of 1902), at pages 1197–1262 has been repealed by the Bombay Police Act, 1951 (Bom. XXII of 1951), section 167, Schedule I.

The Police Forces (Control and Direction) Act, 1949 (Bom. XVI of 1949), at pages 2921–2924 has been repealed by the Bombay Police Act, 1951 (Bom. XXII of 1951), section 167, Schedule I.

BOMBAY ACT No. LVI OF 1950.[1]

[THE BOMBAY CHARGED EXPENDITURE ACT, 1950.]

[*23rd December 1950*]

Amended by Bom. 2 of 1952.

An Act to amend certain enactments and to provide that certain expenditure shall be charged on the Consolidated Fund of the State.

WHEREAS it is expedient to amend certain enactments and to provide that certain expenditure incurred by the State Government shall be charged on the Consolidated Fund of the State ; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Charged Expenditure Act, 1950.

(*2*) It shall be deemed to have come into force on the 1st day of April 1950.

2-4. [*Amendments made by sections 2 to 4 have been incorporated in the Bombay Motor Vehicles Tax Act, 1935 (Bom. XXXIV of 1935), the Bombay Famine Relief Fund Act, 1936 (Bom. XIX of 1936) and the Bombay Sugarcane Cess Act, 1948 (Bom. LXXXII of 1948.)*]

Expenditure incurred on account of guarantee and payments to the Bagalkot Cement Company to be charged on the Consolidated Fund of the State.

5. (*1*) (*a*) Subject to and in accordance with the terms of the agreement dated the 23rd March 1949 made between the Governor of Bombay (hereinafter called the State Government) and the Bagalkot Cement Company, Limited (hereinafter called the Company) and the other parties specified in the said agreement and sanctioned by the State Government, by the Government Resolution (Education and Industries Department) No. 7989, dated the 26th March 1949,

(*b*) and subject also to such modifications as may from time to time lawfully be made in the terms of the said agreement, not being inconsistent with the following provisions of this sub-section,

the State Government shall for a period of five years from the date of the first allotment of the shares of the Company, guarantee to all the ordinary share-holders of the Company a dividend at the rate of three per cent. per annum on the ordinary shares held by them and shall pay to the Company on behalf of and as a trustee for such ordinary share-holders every year such amount as may be necessary to enable the Company to distribute to its ordinary share-holders a yearly dividend at the rate of three per cent. per annum on the total subscribed ordinary share-capital of the Company not exceeding the face value of rupees one crore :

Provided that in no event shall the amount payable by the State Government to the Company under the said guarantee exceed the aggregate sum of rupees fifteen lakhs for the said entire period of five years.

(*2*) Any expenditure incurred by the State Government under sub-section (*1*) shall be charged on the Consolidated Fund of the State.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Pt. V, pp. 409-410.

Expenditure incurred on account of guarantee and payment to a Housing Finance Society to be charged on Consolidated Fund of the State.

[1][**5A.** (*1*) Subject to the provisions of the Bombay Co-operative Societies Act, 1925, and subject also to such conditions as are specified in sub-section (*2*) and such other conditions as may by general or special order be specified by the State Government, the State Government— Bom. VII of 1925.

(*a*) shall guarantee to all the shareholders of a society which has been approved by the State Government in this behalf, a dividend at the rate of three and half per cent. per annum on the subscribed share capital not exceeding the face value of rupees one crore and the repayment of such share capital to the shareholders of such society; and

(*b*) shall pay to such society on behalf of and as a trustee for such shareholders every year such amount as may be necessary to enable such society to distribute to its shareholders a yearly dividend at the rate of three and half per cent. per annum on the subscribed share capital not exceeding the face value of rupees one crore as aforesaid and also such amount as may be necessary at any time to enable such society to repay to its shareholders such share capital.

(*2*) The conditions which a society has to satisfy shall be that—

(*i*) its subscribed share capital shall not exceed the face value of rupees one crore;

(*ii*) its object shall be to finance housing societies in the State of Bombay.

(*3*) Any expenditure incurred by the State Government under a guarantee given under sub-section (*1*) shall be charged on the Consolidated Fund of the State.]

Repeal of Bom. XIII of 1939.

6. The Bombay Charged Expenditure Act, 1939, is hereby repealed. Bom. XIII of 1939.

[1] This section was inserted by Bom. 2 of 1952, s. 8.

BOMBAY ACT No. LX OF 1950.[1]

[THE BOMBAY PARAGANA AND KULKARNI WATANS (ABOLITION) ACT, 1950.]

[*25th January 1951*]

Amended by Bom. 3 of 1952.

An Act to abolish Paragana and Kulkarni Watans in the State of Bombay.

WHEREAS—

(*1*) the services appertaining to the office of hereditary District (Paragana) Officers [except in one case referred to in clause (*2*) below] and to the office of certain hereditary village accountants (Kulkarnis) have ceased to be performed ;

(*2*) the services appertaining to the Deshpande watan of Nimbayat mahal in Malegaon taluka of the Nasik District in respect of which commutation settlement has not yet been effected, are no longer required ;

(*3*) the services appertaining to the remaining hereditary village accountants' (Kulkarnis') watans also are no longer required to be performed ;

AND WHEREAS it is expedient in the interest of the administration of the State to abolish the Paragana and Kulkarni watans and to make provisions for the performance of functions of some of those offices ;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950.

(*2*) It extends to the whole of the State of Bombay excluding the merged territories.

(*3*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* specify in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*a*) " appointed day " means the day on which this Act comes into force ;

Bom. 7 of 1879.

(*b*) " Code " means the Bombay Land Revenue Code, 1879 ;

(*c*) " commutation settlement " means a settlement made or confirmed under the provisions of the Watan Act relieving the holder, his heirs and successors of the liability to perform the services appertaining to the watan ;

(*d*) " Kulkarni watan " means a watan appertaining to the office of a village accountant and includes a watan appertaining to the said office in respect of which a commutation settlement has been effected ;

(*e*) " Paragana watan " means a watan appertaining to the office of a hereditary District (Paragana) Officer in respect of which a commutation settlement has been effected and includes the Deshpande watan of the Nimbayat mahal in Malegaon taluka of the Nasik District ;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Pt. V, pp. 263-264.

(*f*) " prescribed " means prescribed by rules made under this Act ;

(*g*) " Watan Act " means the Bombay Hereditary Offices Act, 1874 ; Bom. III of 1874.

(*k*) " Watan land " means the land forming part of the property of a Paragana or Kulkarni watan.

(*2*) The words and expressions used in this Act shall have the meanings assigned to them in the Watan Act and in the Code, as the case may be, notwithstanding the fact that the provisions of the said Act or Code may not be applicable.

Abolition of certain watans together with the right to office and incidents.

3. With effect from and on the appointed day, notwithstanding anything contained in any law, usage, settlement, grant, sanad or order—

(*1*) all Paragana and Kulkarni watans shall be deemed to have been abolished ;

(*2*) all rights to hold office and any liability to render service appertaining to the said watans are hereby extinguished ;

(*3*) subject to the provisions of section 4, all watan land is hereby resumed and shall be deemed to be subject to the payment of land revenue under the provisions of the Code and the rules made thereunder as if it were an unalienated land :

Provided that such resumption shall not affect the validity of any alienation of such watan land made in accordance with the provisions of section 5 of the Watan Act or the rights of an alienee thereof or any person claiming under or through him ;

(*4*) all incidents appertaining to the said watans are hereby extinguished.

Holder of watan land to be occupant.

4. (*1*) A watan land resumed under the provisions of this Act shall be regranted to the holder of the watan to which it appertained, on payment of the occupancy price equal to twelve times of the amount of the full assessment of such land within two years from the date of the coming into force of this Act and the holder shall be deemed to be an occupant within the meaning of the Code in respect of such land and shall primarily be liable to pay land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder ; all the provisions of the Code and rules relating to unalienated land shall, subject to the provisions of this Act, apply to the said land :

Provided that in respect of the watan land which has not been assigned towards the emoluments of the officiator, occupancy price equal to six times of the amount of the full assessment of such land shall be paid by the holder of the land for its regrant :

Provided further that if the holder fails to pay the occupancy price within the period of two years as provided in this section, he shall be deemed to be unauthorisedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(*2*) The occupancy of the land regranted under sub-section (*1*) shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

(*3*) Nothing in sub-section (*2*) shall apply to any land—

(*a*) the commutation settlement in respect of which provides expressly that the land appertaining to the watan shall be alienable without the sanction of the State Government ; or

(*b*) which has been validly alienated with the sanction of the State Government under section 5 of the Watan Act.

Explanation.—For the purposes of this section the expression "holder" shall include—

(*i*) all persons who on the appointed day are the watandars of the same watan to which the land appertained, and

(*ii*) in the case of a watan the commutation settlement in respect of which permits the transfer of the land appertaining thereto, a person in whom the ownership of such land for the time being vests.

Special rule of succession to be void.

5. Any provision of law, usage or practice relating to the succession to any watan land whereby contrary to the personal law governing the parties the rule of primogeniture was followed and the female heirs were postponed in favour of male heirs, shall, on and from the appointed day, be void and cease to be in force.

Continuation of cash allowance.

6. Notwithstanding anything contained in any law, usage, settlement, grant, sanad or order,—

(*1*) a sum equal to seven times the amount of the cash allowance due to a holder on the appointed day of a watan in respect of which a commutation settlement has been effected, shall be paid to such holder ;

(*2*) in the case of any land or village, in respect of which the watan property consists of the whole or a part of the land revenue of such land or village, a sum equal to the amount of such land revenue shall be paid annually to the holder during the period of his life :

Provided that if such holder dies before the expiry of ten years from the appointed day such sum shall be paid annually to his heir or heirs entitled to receive the same under the terms of the settlement until the expiry of the said period of ten years.

Explanation.—For the purposes of this section the expression "holder" shall have the same meaning as is assigned to it in sub-section (*4*) of section 15 of the Watan Act.

Compensation to the representative watandar.

7. (*1*) A person who has been registered as a representative watandar immediately before the appointed day and who in consequence of the coming into force of this Act, ceases to be entitled to the right to perform the duties of the office of a hereditary village accountant shall be entitled to receive annually as compensation a sum equal to one-third of the total amount of the emoluments payable annually in cash to the representative watandar performing such service in the year immediately preceding the year in which this Act comes into force :

Provided that in cases where there are more than one person registered as representative watandars each of such persons shall be entitled to receive such sum in proportion to his share in watan.

(*2*) The sum so payable annually shall be paid to the representative watandar for a period of twenty-one years from the appointed day and if such representative watandar dies within the said period of twenty-one years, such sum shall be paid annually to his heir or heirs until the expiry of the said period of twenty-one years :

Provided that if the representative watandar so elects within one year from the coming into force of this Act, a sum equal to seven times the sum so payable annually shall be paid to the representative watandar in non-transferable bonds repayable by the State Government after the expiry of seven years from the coming into force of this Act and carrying interest at three per cent. per annum.

Explanation.—For the purposes of this section, a deputy or substitute officiating for the representative watandar shall not be entitled to receive such sum.

Application of Bombay Tenancy and Agricultural Lands Act, 1948.

8. If any watan land has been lawfully leased and such lease is subsisting on the appointed day, the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, shall apply to the said lease and the rights and liabilities of the holder of such land and his tenant or tenants shall, subject to the provisions of this Act, be governed by the provisions of the said Act. Bom. LXVII of 1948.

Explanation.—For the purposes of this section the expression 'land' shall have the same meaning as is assigned to it in the Bombay Tenancy and Agricultural Lands Act, 1948. Bom. LXVII of 1948.

Method of compensation for the abolition etc. of other rights in land.

9. (*1*) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to or interest in property and if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act such person may apply to the Collector for compensation.

(*2*) An application under sub-section (*1*) shall be made to the Collector in a prescribed form [1][on or before the 31st day of March 1952]. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sections 23 (*1*) and 24 of the Land Acquisition Act, 1894. I of 1894.

(*3*) Nothing in this section shall entitle any person to compensation on the ground that any watan land which was wholly or partially exempt from the payment of land revenue has been under the provisions of this Act subjected to the payment of full assessment in accordance with the provisions of the Code.

(*4*) Any person aggrieved by the award of the Collector made under sub-section (*2*) may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, within 60 days from the date of the award. Bom. XII of 1939.

(*5*) In deciding appeals under sub-section (*4*) the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which the Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908. V of 1908

(*6*) In computing the period for filing appeals the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the appeals made under this section. IX of 1908.

[1] These words, figures and letters were substituted for the words "within six months from the appointed day" by Bom. 3 of 1952, s. 2, Schedule.

THE BOMBAY WATWA VAZIFDARI RIGHTS ABOLITION ACT, 1950.

RANGE FOREST OFFICER
DHARWAR
CENTRAL SANDALWOOD DEPOT

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SCHEDULE.

BOMBAY ACT No. LXII OF 1950.[1]

[THE BOMBAY WATWA VAZIFDARI RIGHTS ABOLITION ACT, 1950]

[*24th April 1951*]

An Act to abolish the Vazifdari rights in the village of Watwa in the Daskroi taluka in the District of Ahmedabad.

WHEREAS the management of the village of Watwa in the Daskroi taluka in the District of Ahmedabad was entrusted by Government to Sayad Baramiya, Chief Vazifdar and the other Sayad Vazifdars on certain conditions under an agreement; Whereas the period of the last of such agreement expired in the year 1919-20; Whereas thereafter the management of the village was continued with the Vazifdars; Whereas in the year 1949 the Government of Bombay resumed the management of the said village, but whereas after the resumption the Vazifdars continue to hold certain rights in the said village;

AND WHEREAS it is necessary and expedient in public interest to abolish the said rights; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Watwa Vazifdari Rights Abolition Act, 1950.

(*2*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* specify.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Vazifdar" means Sayad Baramiya, Chief Vazifdar of the village of Watwa in the Daskroi taluka in the District of Ahmedabad or any of the Sayad descendants of Sayad Kudba Alum recognized as Vazifdars under the Vazifdari agreement;

(*b*) "Vazifdari agreement" means the agreement set out in the Schedule appended to this Act.

Abolition of Vazifdari rights.

3. With effect from and on the date on which this Act comes into force,—

(*a*) all Vazifdari rights in and with respect to the village of Watwa in the Daskroi taluka in the District of Ahmedabad legally subsisting on the said date shall be deemed to have been abolished;

(*b*) in particular, no Vazifdar or any person claiming through or under him shall be entitled to any of the following rights to which he may have been entitled under article XVIII of the Vazifdari agreement, namely:—

(*i*) three annas in every nineteen annas of the net collections of the land revenue on cultivated lands in the village of Watwa;

(*ii*) Bagayat Kassar on wells sunk by the Vazifdars;

(*iii*) the profit on trees, that is, six-annas share from fruit bearing trees.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, page 433.

Method of compensation on the abolition of Vazifdari rights.

4. (*1*) If a Vazifdar or any other person claiming through or under him is aggrieved by any of the provisions of this Act, as extinguishing or abolishing any of his rights under the Vazifdari agreement, the Vazifdar or such person may apply to the Collector for compensation.

(*2*) Such application shall be made, in the form prescribed by rules made under this Act, within six months from the date on which this Act comes into force.

(*3*) The Collector shall after holding a formal inquiry in the manner prescribed by the Bombay Land Revenue Code, 1879, determine the amount of such compensation and the apportionment, if necessary, among the co-sharers entitled to it and shall make an award accordingly: Bom. V of 1879.

Provided that the amount of compensation for the abolition of such rights mentioned in clause (*b*) of section 3 shall not exceed three times the average of the amount proved to have been realised annually by the Vazifdar or such person during five years immediately before the date on which this Act comes into force in respect of his share:

Provided further that in determining the amount of compensation for any other right proved to have been abolished by the provisions of this Act, the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894. I of 1894.

Appeal against the Collector's award.

5. (*1*) Any person aggrieved by the award of the Collector may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939. Bom. XII of 1939.

(*2*) In deciding appeals under this section, the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which a Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908. V of 1908.

Limitation.

6. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal. IX of 1908.

Court fees.

7. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed by rules made under this Act. VII of 1870.

Finality of award of Collector and decision of Revenue Tribunal.

8. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

Inquiries and proceedings to be judicial proceedings.

9. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. XLV of 1860.

Rules.

10. The State Government may, by notification in the *Official Gazette*, make rules for the purposes of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication.

SCHEDULE.

MEMORANDUM of an agreement made and concluded on the 15th day of July 1898 between the Secretary of State for India on the one part and Syad Barra Meea, chief Wazifdar of the village of Watwa in the Daskroi Taluka of the Ahmedabad District and the whole body of Syad Wazifdars (collectively and individually) having shares in the said village of Watwa for himself and themselves and his and their heirs and assigns, on the other part, through P. J. Mead, Esquire, Acting Collector of Ahmedabad.

The name and designation "Barra Meea" used throughout this agreement shall be understood to mean the chief Wazifdar or head of Syad community; and the word "Wazifdar" shall include the whole body of Syads, descendants of "Kudba Alum," their heirs and successors, co-sharers with the said Barra Meea or chief Wazifdar for the time being.

ARTICLE I.

The Secretary of State for India hereby entrusts the management of the said village of Watwa (exclusive of the alienated lands as entered in the appended list) to the said Barra Meea, Wazifdar, for himself and on the part of the Wazifdars for 21 years, being the full unexpired portion of the Revenue Survey lease in the taluka Daskroi (that is to say,) from 1898-99 A.D. (that is, Samvat 1955) to 1919-20 A.D. (that is, Samvat 1976), on the conditions below recorded.

ARTICLE II.

The amount of the annual jamabandi to be paid to Government by the said Syad Barra Meea is fixed at Rs. 9,500 (nine thousand and five hundred rupees) only.

ARTICLE III.

The Barra Meea hereby agrees to pay the amount of jamabandi fixed in Article II of this agreement in two equal instalments. The first instalment to be paid on the 20th January and the second on 20th March. The whole of the Local Fund to be paid along with the first instalment.

In default of Barra Meea paying the said jamabandi, such of the said co-sharers as may be present and able, or his or their heirs, will make the payment without any pretence to remission on account of the responsibility of co-sharers. In case the said Barra Meea or his co-sharers, or his or their heirs, as assigns, should fail to do so, Government may adopt the measure for the collection of the revenue as prescribed by the Land Revenue Code and in any other Regulations and Acts which have been or may be passed, and he and the other co-sharers and his and their heirs and assigns will abide by the same, and in default of due payment being made by the parties aforesaid, or by any one of them, Government may resume the management of the said village without any objection on the part of Barra Meea or the Wazifdars or any other person on their behalf.

ARTICLE IV.

The whole of the water assessment imposed by the Revenue Survey Department on land watered from wells or on wells independent of any land they may water, shall be enjoyed by the said Syad Barra Meea and the Wazifdars, and if water is taken on land not charged with water assessment from a well in respect of which water assessment is leviable, then water assessment shall be chargeable on such land.

In respect of wells which have fallen into disuse and in respect of which water assessment has been imposed, the Syads shall, within two years, from the 1st August 1898, put the well into such a state of repair that it shall be capable of holding water and supplying water for irrigation : provided (1) that rubbish which may have accumulated in the well shall be taken out at the expense of the cultivator, (2) that the mathalun shall be made at the expense of the cultivator. If the Syads fail so to put a disused well into repair within two years from the 1st August 1898, the water assessment imposed on account of such well on all lands charged to water-rate on such account shall be cancelled.

After two years from the 1st of August 1898, that is, after the 1st of August 1900, the responsibility of keeping in good repair wells in use at that date shall lie on the cultivators and no deduction shall be made from the water rate imposed on account of such wells on the ground of their falling into disrepair after that date.

Claims to have wells put in good repair must be made within one year from the 1st April 1898 to the Collector or Assistant Collector, who will give due notice to the Barra Meea or Wazifdars, and no attention will be made to any petition for remission of water-rate on account of wells being in disuse made subsequently to 1st August 1898 unless claim to have the well put into good repair has been made before 1st April 1899.

All applications for remission on account of a well having fallen into disrepair should be made within one year from the 1st August 1900, and no attention will be paid to any petition made subsequently to that date.

ARTICLE V.

If any of the unoccupied land be at any time hereafter applied for cultivation, Barra Meea should, with consent of the Mamlatdar of Daskroi Taluka, give it for cultivation.

The rights to trees should remain as at present. (*Note.*—The present practice is stated to be—Pagi $\frac{1}{4}$; $\frac{3}{8}$ Syad ; $\frac{3}{8}$ cultivator.)

ARTICLE VI.

That (27 acres 36 gunthas) twenty-seven acres and thirty-six gunthas of land shall be held free of all assessment by Syad Barra Meea for the full term of this agreement on account of the " Durgah " in the said village of Watwa. He should receive a Devasthan Sanad for the land.

ARTICLE VII.

The Collector will appoint a Talati for the village on Barra Meea's nomination; but Barra Meea shall not discharge a Talati once appointed without the consent of the Collector first obtained; and the said Talati shall be amenable to all the penalties prescribed for Revenue and other officers by the Regulations and Acts of Government, present and prospective.

ARTICLE VIII.

All the village servants useful to Government shall be paid by Government as per appended list.

ARTICLE IX.

The said Barra Meea and his co-sharers will respect the rights and privileges and acknowledge the position of all Patels, Matadars, and other hereditary village officers in the same way as they are respected by the Collector in Khalsa villages.

ARTICLE X.

The revenue will be collected by Barra Meea through the Talati and Revenue Patel from cultivators as in Khalsa villages. The rules respecting receipts obtaining in Khalsa villages are to be observed by the village officers.

ARTICLE XI.

In letting out waste land for cultivation entire Revenue Survey numbers only shall be let; parts of numbers shall on no account be let.

ARTICLE XII.

The proprietors, Barra Meea and Wazifdars, of lands will take rent from the cultivators according to the rates fixed by the Survey, and on letting out lands for cultivation the occupancy price shall be the property of the proprietors (the Barra Meea and Wazifdars). On cultivators transferring their occupancies, nothing in this agreement shall be held to prevent the Barra Meea or Wazifdars from taking any customary due or exercising any customary right.

ARTICLE XIII.

The accounts shall be kept and statistics prepared by the Talati in the manner prescribed from time to time by the Collector, and shall be produced whenever required by Government officers.

ARTICLE XIV.

For the due apportionment of the co-sharers' respective shares and for keeping the accounts of the same, the said Barra Meea is alone responsible to the co-sharers. Government have no responsibility whatever therein.

ARTICLE XV.

The papers, records and orders which may be given by Government, and all the papers which may be in the possession of the Syad Barra Meea respecting the management of the village, shall be made over to the successors of Barra Meea with the management, and shall be produced whenever required by Government.

ARTICLE XVI.

The Barra Meea and Wazifdars will take care that the boundary marks made by the Revenue Survey Department are kept in good repair according to the rules in the khalsa villages, and will duly attend to the orders which may be issued relative to their inspection and the transmission of reports respecting them.

ARTICLE XVII.

The said Barra Meea and Wazifdars will act according to the stipulations contained in the foregoing articles. If they or any of their successors should act in opposition to any of the articles of this agreement, or deviate therefrom in any way, or omit to do anything which by this agreement should be done, then this agreement may be cancelled by the Governor in Council, and the management of the village may be resumed ; and the said Syad Barra Meea, Wazifdars or his or their successors shall have no claim on Government for any loss owing to such resumption.

ARTICLE XVIII.

In event of such resumption or in event of the said Syad Barra Meea or his successors voluntarily withdrawing from this agreement, Government will manage the village as may seem best to them, and the Syad Barra Meea and the Wazifdars and his and their successors will have no claim under such management on the lands or revenues of such village, or any of the profits of the same other than the former accustomed profits on trees, the Bagayat Kassar on wells sunk by the said Barra Meea and the Wazifdars or their ancestors, and three annas in every nineteen annas of the net collections of revenue on cultivated lands in the said village of Watwa.

THE REQUISITIONED LAND (CONTINUANCE OF POWERS) (BOMBAY AMENDMENT) ACT, 1951.

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1. Short title.
2. Continuance of Act XVII of 1947 subject to certain modifications.
3. Modifications in Act XVII of 1947.

BOMBAY ACT No. I OF 1951.[1]

[THE REQUISITIONED LAND (CONTINUANCE OF POWERS) (BOMBAY AMENDMENT) ACT, 1951.]

[*27th March 1951*]

An Act to provide for the continuance of certain emergency powers in relation to requisitioned land in the State of Bombay.

XVII of 1947.

WHEREAS it is expedient to provide for the continuance of the Requisitioned Land (Continuance of Powers) Act, 1947, for a further period till the 1st day of April 1953 in so far as the said Act relates to matters with respect to which the State Legislature has power to make laws; It is hereby enacted as follows :—

Short title and extent.

1. (*1*) This Act may be called the Requisitioned Land (Continuance of Powers) (Bombay Amendment) Act, 1951.

(*2*) It extends to the whole of the State of Bombay.

Continuance of Act XVII of 1947 subject to certain modifications.

XVII of 1947.

2. Notwithstanding anything contained in the Requisitioned Land (Continuance of Powers) Act, 1947, hereinafter called the said Act, the provisions of the said Act, in so far as they relate to matters with respect to which the State Legislature has power to make laws, shall, subject to the modifications specified in section 3, continue to remain in force after 31st March 1951 and shall cease to have effect on the 1st day of April 1953 except as respects things already done or omitted to be done before the expiration thereof, and section 7 of the Bombay General Clauses Act, 1904, shall apply upon the expiry of the said Act as if it had then been repealed by a Bombay Act.

Bom. I of 1904.

Modifications in Act XVII of 1947.

3. (*1*) References in the said Act to requisitioned land shall be construed as references to such land which after the commencement of the Constitution could have been requisitioned by the State Government and references to appropriate Government shall in relation to such requisitioned land be construed as references to the State Government.

(*2*) In sub-section (*3*) of section 6 of the said Act, after the words "in force" the following words shall be inserted, namely :—

"subject to the modification that for the words 'Central Government', wherever they occur, the words 'State Government' shall be substituted."

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951, Part V, page 109.

THE BOMBAY APPROPRIATION ACT, 1951.

RANGE FOREST OFFICER
CENTRAL SANDALWOOD DEPOT
DHARWAR

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2. Issue of Rs. 2,09,57,46,000 out of the Consolidated Fund of the State of Bombay for the year 1951–52.

3. Appropriation.

SCHEDULE.

BOMBAY ACT No. IV OF 1951.[1]

[THE BOMBAY APPROPRIATION ACT, 1951.]

[*30th March 1951*]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1952.

WHEREAS by virtue of article 204 of the Constitution of India it is necessary to provide for the passing of an Appropriation Act for the appropriation of sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March, 1952; and for the purpose of authorising payment of the said sums; It is hereby enacted as follows :—

1. This Act may be called the Bombay Appropriation Act, 1951. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 2,09,57,46,000 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1952, in respect of the services and purposes specified in column 2 of the Schedule. Issue of Rs. 2,09,57,46,000 out of the Consolidated Fund of the State of Bombay for the year 1951-52.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1952. Appropriation.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951, Part V, page 235.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
1	Land Revenue ..	7, Land Revenue ..	1,64,23,000	....	1,64,23,000
2	State Excise ..	8, State Excise ..	32,26,000	....	32,26,000
3	Stamps	9, Stamps ..	5,03,000	....	5,03,000
4	Forest	10, Forest ..	1,13,35,000	*33,000*	1,13,68,000
5	Registration ..	11, Registration ..	14,47,000	....	14,47,000
6	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	12,62,000	*1,00,13,000*	1,12,75,000
7	Other Taxes and Duties.	13, Other Taxes and Duties.	33,80,000	*42,86,000*	76,66,000
8	Interest on works for which capital accounts are kept—Irrigation Works.	17, Interest on works for which capital accounts are kept—Irrigation Works.	....	*63,58,000*	63,58,000
9	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses, "18, Other revenue expenditure financed from ordinary revenues" and "19, Construction of Irrigation, Navigation, Embankment and Drainage Works".	2,70,59,500*	....	2,70,59,500
		Carried over ..	6,46,35,500	*2,06,90,000*	8,53,25,500

*Made up as shown below :—

	Rs.
XVII—*Deduct*—Working Expenses	28,34,300
18, Other revenue expenditure financed from ordinary revenues—Public Works ...	1,15,91,200
18, Other revenue expenditure financed from ordinary revenues—Civil ...	21,34,000
19, Construction of Irrigation, Navigation, Embankment and Drainage Works ...	1,05,00,000
	2,70,59,500

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
		Brought forward ..	6,46,35,500	*2,06,90,000*	8 53,25,500
10	Interest on debt and other obligations.	22, Interest on debt and other obligations.	....	*67,18,000*	67,18,000
11	Appropriation for reduction or avoidance of debt.	23, Appropriation for reduction or avoidance of debt.	....	*71,23,000*	71,23,000
12	General Administration.	25, General Administration.	3,50,58,000	*9,32,000*	3,59,90,000
13	Administration of Justice.	27, Administration of Justice.	1,76,73,000	*21,31,000*	1,98,04,000
14	Jails and Convict Settlements.	28, Jails and Convict Settlements.	71,58,000	....	71,58,000
15	Police	29, Police ..	9,08,17,000	....	9,08,17,000
16	Ports and Pilotage ..	30, Ports & Pilotage .	2,47,000	....	2,47,000
17	Dangs	33-A, Dangs District.	33,77,000	....	33,77,000
18	Scientific Departments.	36, Scientific Departments.	7,17,000	....	7,17,000
19	Education ..	37, Education ..	11,97,68,000	....	11,97,68,000
20	Medical	38, Medical ..	2,47,69,000	....	2,47,69,000
21	Public Health ..	39, Public Health ..	1,60,89,000	....	1,60,89,000
22	Agriculture ..	40, Agriculture ..	2,18,08,000	....	2,18,08,000
23	Veterinary ..	41, Veterinary ..	51,23,000	....	51,23,000
24	Co-operation ..	42, Co-operation ..	92,33,000	....	92,33,000
25	Industries ..	43, Industries ..	70,18,000	....	70,18,000
26	Capital outlay on Industrial Development.	43-A, Capital outlay on Industrial Development.	27,000	....	27,000
27	Miscellaneous Departments (except labour).	47, Miscellaneous Departments.	2,98,72,300	....	2,98,72,300
		Carried over ..	45,33,89,800	*3,75,94,000*	49,09,83,800

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
		Brought forward ...	45,33,89,800	*3,75,94,000*	49,09,83,800
28	Labour	47, Miscellaneous Departments.	39,72,700	....	39,72,700
29	Civil Works ..	50, Civil Works ..	4,40,70,200*	*2,42,500**	4,43,12,700
30	Bombay Development Scheme.	51, Bombay Development Scheme.	11,50,400	.....	11,50,400
31	Electricity Schemes ...	XLI, Receipts from Electricity Schemes—*Deduct*—Working Expenses.	28,75,100	.....	28,75,100
32	Other Revenue Expenditure, etc.	52-A, Other Revenue Expenditure connected with Electricity Schemes.	2,00,02,000	.....	2,00,02,000
33	Capital Outlay on Electricity Schemes.	53, Capital Outlay on Electricity Schemes.	2,25,000	.....	2,25,000
34	Famine	54, Famine ...	5,40,000	.....	5,40,000
35	Political Pensions ...	54-A. Political Pensions.	11,89,000	.....	11,89,000
36	Superannuation allowances and pensions.	55, Superannuation allowances and pensions.	2,02,85,000	*5,60,000*	2,08,45,000
		Carried over ...	54,76,99,200	*3,83,96,500*	58,60,95,700

	Voted.	*Charged.*
	Rs.	Rs.
*Made up as shown below :—		
50, Civil Works	3,75,42,500	*2,42,500*
XVII, *Deduct*—Working Expenses—		
Establishment	4,20,300	.....
Tools and plant	17,400	.....
18, Other Revenue Expenditure —		
Establishment	20,00,800	.....
Tools and plant	1,63,000	.....
XLI, Receipts from Electricity Schemes— *Deduct*—Working Expenses—		
Establishment	3,200	.....
Tools and plant	300	.....
51, Bombay Development Schemes—		
Establishment	1,46,400	.....
Tools and plant	12,200	.....
68, Construction of Irrigation, etc., Works—		
Establishment	16,71,000	.....
Tools and plant	1,39,500	....
81, Capital Account of Civil Works, etc.—		
Establishment	18,03,400	.....
Tools and plant	1,50,200	.....
	4,40,70,200	*2,42,500*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
		Brought forward ...	54,76,99,200	*3,83,96,500*	58,60,95,700
37	Stationery and Printing.	56, Stationery and Printing.	67,40,000	.....	67,40,000
38	Miscellaneous ...	57, Miscellaneous ...	2,30,49,000	.....	2,30,49,000
39	Civil Defence ...	64-B, Civil Defence ...	3,000	.....	3,000
		Total Expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	57,74,91,200	*3,83,96,500*	61,58,87,700
40	Irrigation ...	68, Construction of Irrigation, etc., Works.	98,84,500	.....	98,84,500
41	Public Health ...	70, Capital Outlay on Improvement of Public Health.	40,00,000	.....	40,00,000
42	Industrial Development.	72, Capital Outlay on Industrial Development.	95,00,000	.....	95,00,000
43	Bombay Development Scheme.	80, Bombay Development Scheme.	6,000	.....	6,000
44	Civil Works ...	81, Capital Account of Civil Works outside the Revenue Account.	1,00,18,400	.....	1,00,18,400
45	Electricity Schemes ...	81-A, Capital Outlay on Electricity Schemes.	1,13,32,000	.....	1,13,32,000
46	Housing for displaced persons and Milk Scheme.	82, Capital Account of other State Works outside the Revenue Account.	5,46,76,000	.....	5,46,76,000
47	Payments of commuted value of Pensions.	83, Payments of commuted value of Pensions.	6,90,000	.....	6,90,000
48	State Schemes connected with the State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	1,32,66,21,400	*17,20,000*	1,32,83,41,400
		Total Capital Expenditure outside the Revenue Account.	1,42,67,28,300	*17,20,000*	1,42,84,48,300
49	Loans and Advances bearing interest.	Loans and Advances by State Government.	4,28,21,000	.....	4,28,21,000
50	Loans from the Central Government.	Loans from the Central Government.	.....	*85,89,000*	85,89,000
		Total Disbursements under Debt Heads.	4,28,21,000	*85,89,000*	5,14,10,000
		Grand Total ...	2,04,70,40,500	*4,87,05,500*	2,09,57,46,000

THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1951.

RANGE FOREST OFFICER
DHARWAR
CENTRAL SANDALWOOD DEPOT

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2. Issue of Rs. 17,32,36,228 out of the Consolidated Fund of the State of Bombay for the year 1950-51.

3. Appropriation.

SCHEDULE.

BOMBAY ACT No. V OF 1951.[1]

[THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1951.]

[*30th March 1951*].

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1951.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1951; and for the purpose of authorising payment of the said sums; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay (Supplementary) Appropriation Act, 1951.

Issue of Rs. 17,32,36,228 out of the Consolidated Fund of the State of Bombay for the year 1950-51.

2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 17,32,36,228 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1951, in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1951.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951, Part V, page 244.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts	Sums not exceeding.		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ...	7—Land Revenue ...	65,32,646	.....	65,32,646
2	Stamps	9—Stamps ...	93,300	.....	93,300
3	Forest	10—Forest ...	33,000	.....	33,000
4	Registration ...	11—Registration ...	61,000	.....	61,000
5	Charges on account of Motor Vehicles Acts.	12—Charges on Account of Motor Vehicles Acts.	37,430	.....	37,430
6	Other Taxes and Duties.	13—Other Taxes and Duties.	2,92,542	*43,86,000*	46,78,542
7	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses, "18—Other revenue expenditure financed from ordinary revenues" and "19—Construction of Irrigation, Navigation, Embankment and Drainage Works."	1,31,63,213	.....	1,31,63,213
8	Interest on debt and other obligations.	22—Interest on Debt and other obligations.	.....	*22,89,600*	22,89,600
9	General Administration.	25—General Administration.	30,57,602	.....	30,57,602
10	Administration of Justice.	27—Administration of Justice.	8,29,000	.....	8,29,000
11	Jails and Convict Settlements.	28—Jails and Convict Settlements.	27,18,010	.....	27,18,010
12	Police ...	29—Police ...	20,75,779	.....	20,75,779
13	Scientific Departments.	36—Scientific Departments.	16,60,590	.....	16,60,590
14	Education ...	37—Education ...	37,18,738	.....	37,18,738
15	Medical ...	38—Medical ...	16,99,356	.....	16,99,356
16	Public Health ...	39—Public Health ...	11,28,039	.....	11,28,039
17	Agriculture ...	40—Agriculture ...	15,99,016	.....	15,99,016

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding.		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
18	Veterinary ...	41—Veterinary ...	2,47,687	.....	2,47,687
19	Co-operation ...	42—Co-operation ...	3,47,961	.....	3,47,961
20	Industries ...	43—Industries ...	1,04,836	.....	1,04,836
21	Capital outlay on Industrial Development.	43-A—Capital outlay on Industrial Development.	1,14,130	.....	1,14,130
22	Miscellaneous Departments (except Labour).	47—Miscellaneous Departments.	1,16,41,202	.....	1,16,41,202
23	Civil Works ...	50—Civil Works ...	11,50,630	*3,39,238*	14,89,868
24	Other Revenue expenditure, etc.	52-A—Other Revenue Expenditure connected with Electricity Schemes.	49,719	.....	49,719
25	Capital outlay on Electricity Schemes.	53—Capital Outlay on Electricity Schemes.	45,585	...	45,585
26	Famine... ...	54—Famine ...	1,19,345	...	1,19,345
27	Superannuation allowances and pensions.	55—Superannuation allowances and pensions.	32,90,000	...	32,90,000
28	Stationery and Printing.	56—Stationery and Printing.	23,38,487	...	23,38,487
29	Miscellaneous ...	57—Miscellaneous ...	53,51,373	*233*	53,51,606
30	Extraordinary Charges.	63—Extraordinary Charges.	3,525	...	3,525
		Total expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	6,35,03,741	*70,15,071*	7,05,18,812

SCHEDULE—*concld.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding.		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
31	Irrigation ..	68—Construction of Irrigation, Navigation, Embankment and Drainage Works.	8,34,000	.....	8,34,000
32	Bombay Development Scheme.	80—Bombay Development Scheme.	4,775	.....	4,775
33	Civil Works ...	81—Capital Account of Civil Works outside the Revenue Account.	6,05,419	*31,300*	6,36,719
34	Payments of commuted value of pensions.	83—Payments of commuted value of pensions.	4,60,000	.....	4,60,000
35	Appropriations to the Contingency Fund.	85-B—Appropriations to the Contingency Fund.	3,00,00,000	.....	3,00,00,000
		Total Capital expenditure outside the Revenue Account.	3,19,04,194	*31,300*	3,19,35,494
36	Permanent Debt ...	Permanent Debt ...	.....	*73,305*	73,305
37	Floating Debt ...	Floating Debt ...	.....	*6,41,56,567*	6,41,56,567
38	Advances Repayable.	Advances Repayable.	31,18,000	.....	31,18,000
39	Loans and Advances bearing interest.	Loans and Advances by State Government.	34,34,050	.....	34,34,050
		Total Disbursements under Debt Heads.	65,52,050	*6,42,29,872*	7,07,81,922
		Grand Total ...	10,19,59,985	*7,12,76,243*	17,32,36,228

BOMBAY ACT No. VI OF 1951.[1]

[THE PRESS AND REGISTRATION OF BOOKS (BOMBAY AMENDMENT) ACT, 1951.]

[*14th April 1951*]

An Act to amend the Press and Registration of Books Act, 1867, in its application to the State of Bombay.

XXV of 1867. WHEREAS it is expedient to amend the Press and Registration of Books Act, 1867, in its application to the State of Bombay, for the purpose hereinafter appearing; It is hereby enacted as follows :—

Short title. 1. This Act may be called the Press and Registration of Books (Bombay Amendment) Act, 1951.

Amendment of section 11A of Act XXV of 1867. XXV of 1867. 2. In section 11-A of the Press and Registration of Books Act, 1867, for the word "two" the word "three" shall be substituted.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951, Part V, page 31.

THE BOMBAY SPECIAL SUITS AND PROCEEDINGS VALIDATING ACT, 1951.

CONTENTS.

RANGE FOREST OFFICER
CENTRAL SANDALWOOD DIP.
DHARWAR

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Definitions.
3. Decrees and orders to be deemed to be valid.
4. Pending and dismissed suits and proceedings.
5. Allowance of fees paid in High Court.
6. Exclusion of time for suits and proceedings filed in City Court.
7. Stage from which pending suits or proceedings to be heard.
8. Removal of difficulties.

BOMBAY ACT No. XV OF 1951.[1]

[THE BOMBAY SPECIAL SUITS AND PROCEEDINGS VALIDATING ACT, 1951.]

[*24th April 1951*]

An Act to validate special jurisdiction suits and proceedings in the State of Bombay.

WHEREAS by Government Notification, Home Department, No. 2346/5, dated the 20th January 1950, the State Government invested the Bombay City Civil Court with jurisdiction to receive, try and dispose of certain suits and proceedings of a civil nature not exceeding twenty-five thousand rupees in value and arising in Greater Bombay;

WHEREAS in Original Civil Jurisdiction Suit No. 240 of 1950 the Bombay High Court held that the said notification was invalid and of no effect;

WHEREAS in Civil Appeal No. 10 of 1950 in its civil appellate jurisdiction the Supreme Court of India set aside the said decision of the Bombay High Court and held that the said notification was *intra vires* and legal;

WHEREAS during the interval between the date of the said notification and the decision of the Supreme Court certain suits and proceedings of a civil nature have been instituted in the Bombay High Court and some of them have been tried and disposed of;

AND WHEREAS it is necessary and expedient to validate the decrees and orders which have been passed in the said suits and proceedings and to provide for the return and presentation of those which have been dismissed or are pending to the City Court;

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Special Suits and Proceedings Validating Act, 1951.

(*2*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* appoint in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Special jurisdiction suit or proceeding" means a suit or proceeding of a civil nature exceeding ten thousand rupees, but not exceeding twenty-five thousand rupees in value and arising in Greater Bombay, but does not include any suit or proceeding specified in clauses (*a*) to (*d*) of section 3 of the principal Act.

Bom. XL of 1948.

(*2*) "Principal Act" means the Bombay City Civil Court Act, 1948.

(*3*) "Jurisdiction notification" means Government Notification (Home Department), No. 2346/5, dated the 20th January 1950, issued by the State Government in exercise of the powers conferred by section 4 of the principal Act and published in the *Official Gazette* on 20th January 1950.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951, Part V, pp. 100-101.

(*4*) "Supreme Court decision" means the decision of the Supreme Court in its Civil Appellate jurisdiction in Civil Appeal No. 10 of 1950—the State of Bombay *vs.* Narottamdas Jethabhai and A. P. Phillips.

(*5*) Words and expressions not defined but used in this Act shall have the meaning assigned to them in the principal Act.

Decrees and orders to be deemed to be valid.

3. (*1*) Decrees and orders passed by the High Court in its Original as well as Appellate jurisdiction in special jurisdiction suits and proceedings instituted in the High Court on or after the date of the jurisdiction notification shall, notwithstanding anything contained in the principal Act, be deemed to have been validly passed by the High Court and shall not be deemed to be invalid merely on the ground that the suit or proceeding in which the said decree or order was passed was received, tried or disposed of by the High Court in contravention of sections 4 and 12 of the principal Act.

(*2*) All appeals and execution proceedings arising out of such decrees or orders shall be received, tried or disposed of by such Court, as if the suits or proceedings in which such decrees or orders were passed were validly received by the High Court, notwithstanding anything contained in the principal Act.

Pending and dismissed suits and proceedings.

4. (*1*) All special jurisdiction suits or proceedings instituted in the High Court on or after the date of the jurisdiction notification and pending in the said Court at the commencement of this Act shall, on application by a party to such suit or proceeding, made within three months from the date of the commencement of this Act, be, notwithstanding anything contained in any law for the time being in force, returned by the said Court for being filed in the City Court. If no such application is made within the said period of three months in respect of any such suit or proceeding, such suit or proceeding shall stand dismissed.

(*2*) All such special jurisdiction suits or proceedings dismissed by the High Court, after the Supreme Court decision but before the commencement of this Act, merely on the ground that the High Court was not competent to receive, try and dispose of them under sections 4 and 12 of the principal Act, may, within the period of three months from the date of the commencement of this Act, or within the period of limitation applicable to such suit or proceeding under the provisions of the Indian Limitation Act, 1908, whichever period is longer, be filed in the City Court, notwithstanding the fact that they were dismissed by the High Court. IX of 1908.

(*3*) All special jurisdiction suits and proceedings which stand dismissed under sub-section (*1*) on the ground that no application was made for their return for being filed in the City Court within the time specified therein may be filed in the City Court within the period of limitation applicable to such suit or proceeding under the Indian Limitation Act, 1908. IX of 1908.

(*4*) Nothing in section 13 of the principal Act shall apply to the suits or proceedings returned for being filed in the City Court under sub-section (*1*).

Allowance of fees paid in High Court.

5. When any suit or proceeding referred to in section 4 is filed in the City Court, in the calculation of the institution fee leviable in respect of such suit or proceeding, credit shall be given by the City Court for any court-fee levied in the High Court and costs incurred in the said Court till the date of its return for being filed in the City Court or of its dismissal, as the case may be, shall be assessed in the manner prescribed by rules made under sub-section (*2*) of section 18 of the principal Act as if such suit or proceeding was transferred to the City Court under the said section.

Exclusion of time for suits and proceedings filed in City Court.

6. In computing the period of limitation in respect of any suit or proceeding referred to in sub-section (*1*) of section 4 and filed in the City Court, the period from the date on which the said suit or proceeding was received by the High Court until the date on which the said suit or proceeding was returned by the High Court for being filed in the City Court, shall be excluded.

Stage from which pending suits or proceedings to be heard.

7. Suits or proceedings returned for being filed in the City Court under sub-section (*1*) of section 4 shall, when filed in the City Court, be tried and disposed of from the stage up to which they were heard by the High Court and the record of such suit or proceeding up to the said stage of trial in the High Court shall be and form part of the record of such suit or proceeding in the City Court, as if the said suit or proceeding was originally received by the City Court.

Removal of difficulties.

8. If any difficulty arises in the trial or disposal of any suit or proceeding referred to in the foregoing provisions, in the execution of decrees or orders or the hearing or disposal of appeals arising therefrom, the High Court may pass such orders as it may deem necessary or expedient for the removal of such difficulty.

RANGE FOREST OFFICER
CENTRAL SANDALWOOD DEPOT
DHARWAR

BOMBAY ACT No. XX OF 1951.[1]

[THE CODE OF CRIMINAL PROCEDURE (BOMBAY AMENDMENT) ACT, 1951.]

[*2nd June 1951*]

An Act to amend the Code of Criminal Procedure, 1898, in its application to the State of Bombay.

WHEREAS it is expedient to amend the Code of Criminal Procedure, V of 1898. 1898, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Code of Criminal Procedure (Bombay Amendment) Act, 1951.

(*2*) It extends to the whole of the State of Bombay.

Insertion of new section 197A.

V of 1898. 2. After section 197 of the Code of Criminal Procedure, 1898, the following new section shall be inserted, namely:—

Prosecution of Commissioner appointed by Civil Court.

V of 1908. "197A. When any person, who is a Commissioner appointed by a Court under the provisions of the Code of Civil Procedure, 1908, is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his functions as Commissioner, no court shall take cognizance of such offence except with the previous sanction of the Court, which appointed such person as Commissioner."

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951, Part V, page 33.

THE BOMBAY POLICE ACT, 1951.

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BOMBAY ACT No. XXII OF 1951.[1]

[THE BOMBAY POLICE ACT, 1951.]

[*11th June 1951*]

An Act to consolidate and amend the law for the regulation of the Police Force in the State of Bombay.

WHEREAS it is expedient to amalgamate the District and Greater Bombay Police Forces in the State of Bombay into one common Police Force and to introduce uniform methods regarding the working and control of the said Force throughout the State; And whereas it is necessary to consolidate and amend the law relating to the regulation of the said Force and the exercise of powers and performance of functions by the State Government and by the members of the said Force for the maintenance of public order; And whereas it is necessary to provide for certain other purposes hereinafter appearing; It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Police Act, 1951.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

Bom. III of 1888. Bom. LIX of 1949.

(*2*) "Corporation" means a Corporation constituted under the Bombay Municipal Corporation Act or the Bombay Provincial Municipal Corporations Act, 1949;

(*3*) the expression "competent authority" when used with reference to the exercise or performance of any power, duty or function under the provisions of this Act, means—

(*a*) in relation to Greater Bombay, and other areas for which a Commissioner of Police is appointed under section 7, the Commissioner,

(*b*) in relation to the areas other than those referred to in clause (*a*), the District Magistrate or the District Superintendent or the Additional Superintendent when specially empowered in that behalf by the State Government;

(*4*) "constable" means a police officer of the lowest grade;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, page 324; for Report of the Select Committee, *see ibid*, 1951, Part V, pages 34–88.

(5) "district" means a territorial division constituting a district for the purposes of the Code of Criminal Procedure, 1898, but does not include Greater Bombay; V of 1893.

(6) "Inspector-General", "Additional Inspector-General", "Commissioner", "Deputy Inspector-General", "Deputy Commissioner", "Assistant Commissioner", "District Superintendent", "Additional Superintendent", "Assistant Superintendent" and "Deputy Superintendent" mean respectively the Inspector-General of Police, the Additional Inspector-General of Police, a Commissioner of Police including an Additional Commissioner of Police, a Deputy Inspector-General of Police, a Deputy Commissioner of Police, an Assistant Commissioner of Police, a District Superintendent of Police, an Additional Superintendent of Police, an Assistant Superintendent of Police and a Deputy Superintendent of Police appointed or deemed to be appointed under this Act;

(7) "municipality" means a municipality constituted or deemed to be constituted under the Bombay Municipal Boroughs Act, 1925, or the Bombay District Municipal Act, 1901; Bom. XVIII of 1925 Bom. III of 1901.

(8) "place" includes a building, a tent, a booth or other erection, whether permanent or temporary, or any area whether enclosed or open;

(9) "place of public amusement" means any place where music, singing, dancing, or any diversion or game, or the means of carrying on the same, is provided and to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted and includes a race course, circus, theatre, music hall, billiard room, bagatelle room, gymnasium, fencing school, swimming pool or dancing hall;

(10) "place of public entertainment" means any place to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises by any person owning or having an interest in or managing such place and includes a refreshment room, eating-house, coffee-house, liquor-house, boarding house, lodging house, hotel, tavern or wine, beer, spirit, arrack, toddy, ganja, bhang or opium shop;

(11) "Police officer" means any member of the Police Force appointed or deemed to be appointed under this Act and includes a special or an additional Police officer appointed under section 21 or 22;

(12) "prescribed" means prescribed by rules;

(13) "public place" includes the foreshore, the precincts of every public building or monument, and all places accessible to the public for drawing water, washing or bathing or for the purpose of recreation;

(14) "rules" means rules made under this Act;

(15) "street" includes any highway, bridge, way over a causeway, viaduct, arch, quay, or wharf or any road, lane, footway, square, court, alley or passage accessible to the public, whether a thoroughfare or not;

(16) "subordinate ranks" means members of the Police Force below the rank of the Inspector;

(17) "vehicle" means any carriage, cart, van, dray, truck, hand cart or other conveyance of any description and includes a bicycle, a tricycle, a rickshaw, an automatic car, a vessel or an aeroplane.

CHAPTER II.

Superintendence, control and organisation of the Police Force.

One Police Force for the whole State.

3. There shall be one Police Force for the whole of the State :

Provided that the members of the Police Forces constituted under any of the Acts mentioned in Schedule I, immediately before the coming into force of this Act, shall be deemed to be the members of the said Police Force.

Superintendence of Police Force to vest in the State Government.

4. The superintendence of the Police Force throughout the State vests in and is exercisable by the State Government and any control, direction or supervision exercisable by any officer over any member of the Police Force shall be exercisable subject to such superintendence.

Constitution of Police Force.

5. Subject to the provisions of this Act—

(*a*) the Police Force shall consist of such number in the several ranks and have such organization and such powers, functions and duties as the State Government may by general or special order determine;

(*b*) the recruitment, pay, allowances and all other conditions of service of the Police Force shall be such as may from time to time be determined by the State Government by general or special order :

Provided that—

(*i*) the rules or orders governing the recruitment, pay, allowances and other conditions of service of the members of the Police Force constituted under any of the Acts mentioned in Schedule I and deemed to be the members of the Police Force under section 3 shall continue in force until altered or cancelled under clause (*b*),

(*ii*) nothing in this clause shall apply to the recruitment, pay, allowances and other conditions of service of the members of the Indian Police and Indian Police Service.

Inspector-General, Additional and Deputy Inspector-General.

6. (*1*) For the direction and supervision of the Police Force, the State Government shall appoint an Inspector-General of Police who shall exercise such powers and perform such functions and duties and shall have such responsibilities and such authority as may be provided by or under this Act or orders made by the State Government.

(*2*) (*a*) The State Government may appoint an Additional Inspector-General and one or more Deputy Inspectors-General of Police.

(*b*) The State Government may direct that any of the powers, functions, duties and responsibilities and the authority of the Inspector-General may be exercised, performed or discharged, as the case may be, by the Additional Inspector-General or a Deputy Inspector-General.

(*c*) The State Government may also by a general or special order direct that the Additional Inspector-General or Deputy Inspector-General shall assist and aid the Inspector-General in the performance, exercise and discharge of his powers, functions, duties, responsibilities and authority in such manner and to such extent as may be specified in the order.

Commissioner.

7. (*a*) The State Government may appoint a Police officer to be the Commissioner of Police for Greater Bombay or any other area specified in a notification issued by the State Government in this behalf and published in the *Official Gazette*.

(*b*) The State Government may also appoint an Additional Commissioner of Police for the areas specified in clause (*a*).

(*c*) The Commissioner shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority as are provided by or under this Act or as may otherwise be directed by the State Government by a general or special order :

Provided that the State Government may direct that any of the powers, functions, duties, responsibilities or authority exercisable or to be performed or discharged by the Commissioner shall be exercised, performed or discharged subject to the control of the Inspector-General :

Provided further that the area for which a Commissioner has been appointed under this section shall not, unless otherwise provided by or under this Act, be under the charge of the District Magistrate or the District Superintendent for any of the purposes of this Act, notwithstanding the fact that such area forms part of a district within the territorial jurisdiction for which a District Magistrate or a District Superintendent may have been appointed.

Appointment of District, Additional, Assistant and Deputy Superintendents.

8. (*1*) The State Government may appoint for each District or for a part of a District or for one or more Districts a Superintendent and one or more Additional, Assistant and Deputy Superintendents of Police, as it may think expedient.

(*2*) The State Government may, by a general or special order, empower an Additional Superintendent to exercise and perform in the district for which he is appointed or in any part thereof, all or any of the powers, functions or duties to be exercised or performed by a District Superintendent under this Act or under any law for the time being in force.

(*3*) The District Superintendent may, with the previous permission of the State Government, delegate any of the powers and functions conferred on him by or under this Act to an Assistant or Deputy Superintendent.

Principal, Central Police Training School, Nasik.

9. The State Government may appoint any Police Officer not below the rank of a District Superintendent to be the Principal of the Central Police Training School, Nasik, and may assign to him such powers, functions and duties, as it may think fit.

Deputies and Assistants to Commissioner.

10. (*1*) The State Government may appoint one or more Deputy Commissioners and one or more Assistant Commissioners of Police in Greater Bombay or in any area in which a Commissioner has been appointed under clause (*a*) of section 7.

(*2*) Every such Deputy or Assistant Commissioner shall, under the orders of the Commissioner, exercise and perform any of the powers, functions and duties of the Commissioner to be exercised or performed by him under the provisions of this Act or any other law for the time being in force, in accordance with the general or special orders of the State Government made in this behalf :

Provided that the powers to be exercised by the Commissioner under section 13 or 33 shall not be exercisable by a Deputy or Assistant Commissioner.

11. (*1*) The State Government may appoint for Greater Bombay such number of Superintendents of Police as it may think expedient. Superintendent in Greater Bombay.

(*2*) A Superintendent appointed under sub-section (*1*) shall exercise such powers and perform such duties and functions as can be exercised or performed under the provisions of this Act or any other law for the time being in force or as are assigned to him by the Commissioner under the general or special orders of the State Government :

Provided that the powers to be exercised by the Commissioner under section 13 or 33 shall not be exercisable by the Superintendent.

12. (*1*) Subject to the control of the State Government, the Commissioner for Greater Bombay shall, if he thinks fit,— Constitution of divisions and sections.

(*a*) constitute within the Greater Bombay, Police divisions,

(*b*) sub-divide the same into sections, and

(*c*) define the limits and extent of such divisions and sections.

(*2*) Each such division shall be in charge of a Superintendent of Police and each section shall be in charge of an Inspector of Police. Officers in charge of divisions and sections.

13. Subject to the conditions and limitations as may be imposed by the State Government, the powers under sections 94, 96, 97, 98, 105, 523, 524 and 526 of the Code of Criminal Procedure, 1898, may be exercised— Inspector-General and Commissioner to exercise the powers of First Class Magistrate and Presidency Magistrate.

V of 1898.

(*1*) in districts, by the Inspector General as a First Class Magistrate ;

(*2*) in Greater Bombay, by the Commissioner for Greater Bombay as a Presidency Magistrate ; and

(*3*) in areas under their respective charges, by other Commissioners as First Class Magistrates.

14. (*1*) Every Police officer of and below the grade of Inspector, shall on appointment receive a certificate in form provided in Schedule II. The certificate shall be issued under the seal of such officer as the State Government may by general or special order direct. Certificate of appointment.

(*2*) A certificate of appointment shall become null and void whenever the person named therein ceases to belong to the Police Force or shall remain inoperative during the period within which such person is suspended from such Force.

15. The powers, functions and privileges vested in a Police officer shall remain suspended whilst such Police officer is under suspension from office : Effect of suspension of Police officer.

Provided that notwithstanding such suspension such person shall not cease to be a Police officer and shall continue to be subject to the control of the same authorities to which he would have been, if he was not under suspension.

General powers of Commissioner and District Superintendent.

16. The Commissioner, subject to the orders of the Inspector-General, and the District Superintendent, subject to the orders of the Inspector-General and the District Magistrate, shall, within their respective spheres of authority, direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfilment of their duties by the Police Force under him.

Control of District Magistrate over Police Force in district.

17. (*1*) The District Superintendent and the Police Force of a district shall be under the control of the District Magistrate.

(*2*) In exercising such control the District Magistrate shall be governed by such rules and orders as the State Government may make in this behalf.

Power of District Magistrate to require reports from District Superintendent.

18. The District Magistrate may require from the District Superintendent reports, either particular or general, on any matter connected with the crimes, habitual offenders, the prevention of disorder, the regulation of assemblies and amusements, the distribution of the Police Force, the conduct and character of any Police officer subordinate to the District Superintendent, the utilization of auxiliary means and all other matters in furtherance of his control of the Police Force and the maintenance of order.

Power of supervision by District Magistrates.

19. If the District Magistrate observes any marked incompetence or unfitness for the locality or for his particular duties, in any Police officer subordinate to the District Superintendent, he may require the District Superintendent to substitute another officer for any officer whom he has power to transfer and the District Superintendent shall be bound to comply with the requisition :

Provided that if the Police officer concerned is an officer of the grade of the Inspector or of a higher grade, the District Magistrate may report his conduct to the Inspector-General. The Inspector-General may, thereafter, determine the action to be taken and pass such orders as he thinks fit, and shall communicate such action or order to the District Magistrate.

Power of Inspector-General and Commissioner to investigate, and regulate matters of Police accounts.

20. The Inspector-General, throughout the State and the Commissioner in the area for which he is appointed, shall, subject to the orders of the State Government, have authority to investigate and regulate all matters of account connected with the Police in the State or in the area, as the case may be, and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations and to conform to his orders consequent thereto.

Special Police officers.

21. (*1*) The Commissioner, the District Superintendent, or any Magistrate not lower in rank than that of second class specially empowered in this behalf by the State Government, may, at any time by a written order signed by himself and sealed with his own seal appoint any able-bodied male person between the ages of 18 and 50, whom he considers fit to be a Special Police officer to assist the Police Force on any occasion, when he has reason to apprehend the occurrence of any riot or grave disturbance of the peace within the limits of his charge and he is of opinion that

the ordinary Police Force is not sufficient for the protection of the inhabitants and for the security of property.

(*2*) Every special Police officer so appointed shall on appointment—

(*a*) receive a certificate in a form approved by the State Government in this behalf,

(*b*) have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police officer.

Appointment of additional Police.

22. (*1*) Additional Police officers of such rank or grade for such time and on such pay as the authority specified by or under the provisions of this Act in that behalf may determine, may be employed or deputed for the purpose stated in such provisions.

(*2*) Every additional Police officer appointed, shall on appointment—

(*a*) receive a certificate in a form approved by the State Government in this behalf,

(*b*) be vested with all or such of the powers, privileges and duties of a Police officer as are specially mentioned in the certificate, and

(*c*) be subject to the orders of the Commissioner or the District Superintendent, as the case may be.

(*3*) The employment or deputation of such additional Police officer may be made at the request of any person requiring such Police and the cost of such employment shall be recovered in such manner as is provided by or under this Act or under any other law for the time being in force.

CHAPTER III.

Regulation, Control and Discipline of the Police Force.

Framing of rules for administration of the Police.

23. Subject to the orders of the State Government, the Commissioner in the case of the Police Force allocated to Greater Bombay and other areas for which he has been appointed and the Inspector-General in the case of the Police Force allocated to other areas may make rules or orders not inconsistent with this Act or with any other enactment for the time being in force—

(*a*) regulating the inspection of the Police Force by his subordinates;

(*b*) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the Police;

(*c*) prescribing the places of residence of members of the Police Force;

(*d*) for institution, management and regulation of any Police fund for any purpose connected with police administration;

(*e*) regulating, subject to the provisions of section 17, the distribution, movements and location of the Police;

(*f*) assigning duties to Police officers of all ranks and grades, and prescribing—

(*i*) the manner in which, and

(*ii*) the conditions subject to which, they shall exercise and perform their respective powers and duties;

(*g*) regulating the collection and communication by the Police of intelligence and information;

(*h*) generally, for the purpose of rendering the Police efficient and preventing abuse or neglect of their duties.

Inspector-General or Commissioner may call for returns.

24. (*1*) The Inspector-General may, subject to the rules and orders of the State Government, call for such returns, reports and statements on subjects connected with the suppression of crime, the maintenance of order and the performance of their duties as his subordinates may be able to furnish to him. The Inspector-General shall communicate to the District Magistrate any general orders issued by him for the purposes aforesaid or in consequence of the information furnished to him, and also any orders which the State Government may direct.

(*2*) The Commissioner may subject as aforesaid with reference to the area under his charge call for such reports, returns and statements as are provided for in sub-section (*1*).

Punishment of the members of the subordinate ranks of the Police Force departmentally for neglect of duty, etc.

25. (*1*) The State Government, or any officer authorised by sub-section (*2*) in that behalf, may suspend, reduce, dismiss or remove any member of the subordinate ranks of the Police Force whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty or unfit for the same, and may fine to an amount not exceeding one month's pay, any member of the subordinate ranks of the Police Force, who is guilty of any breach of discipline or misconduct or any act rendering him unfit for the discharge of his duty, which does not require his suspension or dismissal.

Punitive powers of Inspector-General, Commissioner, Deputy Inspector-General and District Superintendent.

(*2*) (*a*) The Inspector-General, the Commissioner and the Deputy Inspector-General shall have authority to punish any member of the subordinate ranks under sub-section (*1*). A District Superintendent shall have the like authority in respect of any Police officer subordinate to him below the grade of Inspector and may suspend an Inspector who is subordinate to him pending inquiry into a grave complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained.

(*b*) The Principal of the Central Police Training School, Nasik, shall also have the like authority in respect of any member of the subordinate ranks of the Police Force below the grade of Inspector serving under him, and in respect of head constables

and constables belonging to the Police Force of the Nasik District or of any other district attached to the said school for duty under him. He may also suspend an Inspector who is subordinate to him, pending inquiry into a grave complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained.

(*c*) The exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by the State Government in that behalf.

(*3*) Nothing in sub-sections (*1*) and (*2*)—

(*a*) shall affect any Police officer's liability to a criminal prosecution for any offence with which he may be charged; or

(*b*) shall entitle any authority subordinate to that by which the Police officer was appointed, to dismiss or remove him.

26. When any officer passes an order for fining, suspending, reducing, removing or dismissing a Police officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, under his signature: Procedure to be observed in awarding punishment.

Provided that no such order shall be passed without giving him a reasonable opportunity of showing cause against the action proposed to be taken against him except in cases referred to in the proviso (*a*) to clause (2) of Article 311 of the Constitution.

27. An appeal against any order passed against a Police officer under section 25 or the rules or orders thereunder shall lie to the State Government itself or to such officer as the State Government may by general or special order specify. Appeals from orders of punishment.

28. (*1*) Every Police officer not on leave or under suspension shall for all purposes of his Act be deemed to be always on duty, and any Police officer or any number or body of Police officers allocated for duty in one part of the State may, if the State Government or the Inspector-General so directs, at any time be employed on Police duty in any other part of the State for so long as the services of the same may be there required. Police officers to be deemed to be always on duty and to be liable to employment in any part of the State.

(*2*) Timely intimation shall, except in cases of extreme urgency, be given to the Commissioner and the District Magistrate by the Inspector-General of any proposed transfer under this section, and, except, where secrecy is necessary, the reasons for the transfer shall be explained; whereupon the officers aforesaid and their subordinates shall give all reasonable furtherance to such transfer. Intimation of proposed transfers to be given by the Inspector-General to the Commissioner and District Magistrate.

29. (*1*) Except with the written permission of the Commissioner or the Deputy Inspector-General, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent or of some other Police officer empowered by the Inspector-General or the Commissioner to grant such permission, no Police officer of the subordinate Under what conditions Police officer may resign.

ranks shall resign his office or withdraw himself from the duties thereof, until (*a*) the expiration of two months after written notice of his intention so to do has been given by him to any of the aforesaid officers to whom he is subordinate and until, (*b*) he has fully discharged any debt due by him as such Police officer to Government or to any Police fund.

(*2*) If any such Police officer produces a certificate signed by the Police Surgeon or the Civil Surgeon declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him as such Police officer, to Government or to any Police fund.

Arrear of pay of a Police officer contravening this section may be forfeited.

(*3*) If any such Police officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable on the order of the Commissioner, or the Deputy Inspector-General, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent, as the case may be, to forfeit all arrears of pay then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under section 145 of this Act or any other law in force.

Certificate, arms, etc., to be delivered up by person ceasing to be a Police officer and

30. (*1*) Every person who for any reason ceases to be a Police officer shall forthwith deliver up to some officer empowered by the Commissioner, or the Deputy Inspector-General, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or the District Superintendent to whom such Police officer is subordinate to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the performance of duties and functions connected with his office.

if not delivered up may be seized under a search warrant.

(*2*) Any Magistrate and, for special reasons which shall be recorded in writing at the time, the Commissioner or the Deputy Inspector-General, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or any District Superintendent, Assistant Superintendent, or Deputy Superintendent may issue a warrant to search for and seize, wherever they be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898, by a Police officer or, if the Magistrate, the Commissioner, the Deputy Inspector-General, Criminal Investigation Department, the Principal of the Central Police Training School, Nasik, the District Superintendent, the Assistant Superintendent or the Deputy Superintendent issuing the warrant so directs, by any other person. V of 1898.

Saving of certain articles.

(*3*) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, or the Commissioner, as the case may be, has become the property of the person to whom the same was furnished.

Occupation of and liability to vacate premises provided for Police officers.

31. (*1*) Any Police officer occupying any premises provided by the State Government for his residence—

(*a*) shall occupy the same subject to such conditions and terms as may, generally or in special cases, be specified by the State Government, and

(*b*) shall, notwithstanding anything contained in any law for the time being in force, vacate the same on his ceasing to be a Police officer or whenever the State Government or any officer authorised by the State Government in this behalf thinks it necessary and expedient to require him to do so.

(*2*) If any person who is bound or required under sub-section (*1*) to vacate any premises fails to do so, the State Government or the officer authorised in this behalf by the State Government may order such person to vacate the premises and may

direct any Police officer with such assistance as may be necessary to enter upon the premises and remove therefrom any person found therein and to take possession of the premises and deliver the same to any person specified in the direction.

III of 1888.

32. Subject to the provisions of the Police Act, 1888, and save in so far as the operation of this section may be temporarily suspended by the special order of the State Government, nothing in Chapters II and III shall be deemed to affect any officers of the Railway Police employed within the limits of the State of Bombay on Police functions connected with the administration of any railway and any such Police officer shall, in the discharge of such functions, be vested with the powers, privileges and be subject to the liabilities of a Police officer of the establishment to which he belongs. Saving in regard to Railway Police.

CHAPTER IV.

Police Regulations.

33. (*1*) The Commissioner and the District Magistrate, in areas under their respective charges or any part thereof, may make, alter or rescind rules or orders not inconsistent with this Act for— Power to make rules for regulation of traffic and for preservation of order in public places etc.

(*a*) licensing and controlling persons offering themselves for employment at quays, wharves and landing places, and outside Railway stations, for the carriage of passengers' baggages, and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed ;

(*b*) regulating traffic of all kinds in streets and public places, and the use of streets and public places by persons riding, driving, cycling, walking or leading or accompanying cattle, so as to prevent danger, obstruction or inconvenience to the public ;

(*c*) regulating the conditions under which vehicles may remain standing in streets and public places, and the use of streets as halting places for vehicles or cattle ;

(*d*) prescribing the number and position of lights to be used on vehicles in streets and the hours between which such lights shall be used ;

(*e*) prescribing certain hours of the day during which cattle shall not be driven along the streets, or along certain specified streets, except subject to such regulations as he may prescribe in that behalf ;

(*f*) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street ;

(*g*) regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams or bars, boilers or other unwieldy articles through the streets, and the route and hours for such conveyance ;

(*h*) licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the carrying in streets and public places of gunpowder or any other explosive substance ;

(*i*) prohibiting, except along certain specified streets and during specified hours and subject to such regulations as he may prescribe in that behalf, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or part thereof and the corpses of persons deceased ;

(*j*) prescribing certain hours of the day during which ordure or offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets except subject to such rules as he may make in that behalf ;

(*k*) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matter and for obeying calls of nature;

(*l*) in cases of existing or apprehended epidemic or infectious disease of men or animals, the cleanliness and disinfection of premises by the occupier thereof and residents therein and the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by the State Government, with a view to prevent the disease or to check the spreading thereof;

(*m*) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use of any source, supply or receptacle of water, and providing against pollution of the same or of the water therein;

(*n*) licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near streets or public places;

(*o*) regulating the conduct of and behaviour or action of persons constituting assemblies and processions on or along the streets and prescribing in the case of processions, the routes by which, the order in which and the times at which the same may pass;

(*p*) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(*q*) prohibiting, except under such reasonable rules as he may make, the placing of building materials or other articles or the fastening or detention of any horse or other animals in any street or public place;

(*r*) licensing, controlling or, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting—

(*i*) the illumination of streets and public places and the exteriors of building abutting thereon by persons other than servants of Government or Municipal officers duly authorized in that behalf,

(*ii*) the blasting of rock or making excavations in or near streets or public places,

(*iii*) the using of a loudspeaker in any public place or place of public entertainment;

(*s*) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

(*t*) guarding against injury to person and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(*u*) prohibiting the setting fire to or burning any straw or other matter, or lighting a bonfire or wantonly discharging a fire-arm or air-gun, or letting off or throwing a fire-work, or sending up a fire balloon or rocket in or upon or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except subject to such reasonable rules, as he may make in that behalf;

(*v*) regulating the hours during which and the manner in which any place for the disposal of the dead, any dharmashala, village-gate or other place of public

resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto ;

(*w*) (*i*) licensing or controlling places of public amusement or entertainment ;

(*ii*) prohibiting the keeping of places of public amusement or entertainment or assembly, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity ;

(*iii*) regulating the means of entrance and exit at places of public amusement or entertainment or assembly, and providing for the maintenance of public safety and the prevention of disturbance thereat ;

(*x*) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement ;

(*y*) prescribing the procedure in accordance with which any licence or permission sought to be obtained or required under this Act should be applied for, and fixing the fees to be charged for any such licence or permission :

Provided that nothing in this section and no licence granted under any rule made thereunder shall authorize any person to import, export, transport, manufacture, sell or possess any liquor or intoxicating drug, in respect of which a licence, permit, pass or authorisation is required under the Bombay Prohibition Act, 1949, or under any other law for the time being in force relating to the Abkari revenue or shall affect the liability of any person under any such law, or shall in any way affect the provisions of the Arms Act, 1878, or of the Explosives Act, 1884, or of any rules made under either of those enactments, or the liability of any person thereunder :

Bom. XXV of 1949. XI of 1878. IV of 1884.

Provided further that any action taken under the rules or orders made under this sub-section or the grant of a licence made under such rules or orders shall be subject to the control and supervision of the State Government.

(*2*) (*i*) The power of making, altering or rescinding rules under clauses (*a*), (*b*) and (*c*) of sub-section (*1*) shall be subject to the control of the State Government.

(*ii*) The power of making, altering or rescinding rules under the remaining clauses of sub-section (*1*) shall be subject to the previous sanction of that Government.

(*3*) Every rule made under clause (*v*) of sub-section (*1*) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in individual cases.

(*4*) Every rule promulgated under the authority of clause (*l*) of sub-section (*1*) shall, if made in relation to any area outside Greater Bombay, be forthwith reported to the State Government or such authority as the State Government may appoint in this behalf.

(*5*) If any rule or order made or promulgated under this section relates to any matter with respect to which there is a provision in any law, rule or by-law of any municipal or local authority in relation to the public health, convenience or safety of the locality, such rule or order shall be subject to such law, rule or by-law of the municipal or local authority, as the case may be.

(*6*) The power of making, altering or rescinding rules under this section shall be subject to the condition of the rules being made, altered or rescinded after previous publication, and every rule made or alteration or rescission of a rule made under this section shall be published in the *Official Gazette* and in the locality affected thereby by affixing copies thereof in conspicuous places near to the building, structure, work or place, as the case may be, to which the same specially relates or by proclaiming the same by the beating of drum or by advertising the same in such local newspapers in English or in the local language,

as the authority making, altering or rescinding the rule may deem fit or by any two or more of these means or by any other means it may think suitable:

Provided that any such rules may be made, altered or rescinded without previous publication if the Commissioner or the District Magistrate, as the case may be, is satisfied that circumstances exist which renders it necessary that such rules or alterations therein or rescission thereof should be brought into force at once.

(*7*) Notwithstanding anything hereinbefore contained in this section or which may be contained in any rule made thereunder, it shall always be lawful for the competent authority to refuse a licence for, or to prohibit the keeping of any place of public amusement or entertainment by a person of notoriously bad character.

(*8*) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

Competent authority may authorise erection of barriers on streets.

34. The Commissioner and the District Superintendent in areas under their respective charges may, whenever in his opinion such action is necessary, authorise such Police officer as he thinks fit to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street and satisfy himself that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver of or the person in charge of such vehicle. The said authority may also make such orders as it deems fit for regulating the use of such barriers.

Power to make rules prohibiting disposal of the dead except at places set apart.

35. (*1*) A competent authority may, from time to time, make rules prohibiting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose:

Provided that no such rules shall be made in respect of any such town or place in which places have not been so set apart:

Provided further that the competent authority or any officer authorised by it in this behalf may, in its or his discretion on an application made to it or him by any person, grant to such person permission to dispose of the corpse of any deceased person at any place other than a place so set apart, if in its or his opinion such disposal is not likely to cause obstruction to traffic or disturbance of the public peace or is not objectionable for any other reason.

(*2*) Any rules made under sub-section (*1*) shall specify the places set apart for the disposal of the dead of different communities or sections of communities.

(*3*) All such rules shall be subject to the condition of previous publication and the date to be specified under clause (*c*) of section 24 of the Bombay General Clauses Act, 1904, shall not be earlier than two months from the date on which the draft of the proposed rules is published. Bom. I of 1904.

Explanation.—For the purposes of this section, a place set apart for the disposal of the dead means a place set apart for such purpose under any custom, usage or law for the time being in force.

Power of Commissioner or the District Superintendent and of other officers to give direction to the public.

36. In areas under their respective charges the Commissioner, and subject to his orders every Police officer not inferior in rank to an Inspector, and the District Superintendent and subject to his orders any Police officer of not lower than such rank as may be specified by the State Government in that behalf, may, from time to time as occasion may arise, but not so as to contravene any rule or order under section 33 give all such orders either orally or in writing as may be necessary to—

(*a*) direct the conduct of, and behaviour or action of persons constituting processions or assemblies on or along the streets;

(*b*) prescribe the routes by which and the times at which any such processions may or may not pass;

(*c*) prevent obstructions on the occasion of all processions and assemblies and in the neighbourhood of all places of worship during the time of worship and in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed;

(*d*) keep order on and in all streets, quays, wharves, and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort ;

(*e*) regulate and control the playing of music or singing, or the beating of drums, tom-toms and other instruments and the blowing or sounding of horns or other noisy instruments, in or near any street or public place ;

(*f*) make reasonable orders subordinate to and in furtherance of any order made by a competent authority under sections 33, 35, 37 to 40, 42, 43 and 45 of this Act.

Power to prohibit certain acts for prevention of disorder.

37. (*1*) The Commissioner and the District Magistrate in areas under their respective charges may, whenever and for such time as he shall consider necessary for the preservation of public peace or public safety by a notification publicly promulgated or addressed to individuals, prohibit at any town, village or place or in the vicinity of any such town, village or place—

(*a*) the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives, sticks or lathis, or any other article, which is capable of being used for causing physical violence,

(*b*) the carrying of any corrosive substance or of explosives,

(*c*) the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles,

(*d*) the exhibition of persons or corpses or figures or effigies thereof,

(*e*) the public utterance of cries, singing of songs, playing of music,

(*f*) delivery of harangues, the use of gestures or mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, placards or any other object or thing which may in the opinion of such authority offend against decency or morality or undermine the security of or tend to over-throw the State.

(*2*) If any person goes armed with any such article or carries any corrosive substance or explosive or missile in contravention of such prohibition, he shall be liable to be disarmed or the corrosive substance or explosive or missile shall be liable to be seized from him by any Police officer, and the article, corrosive substance, explosive or missile so seized shall be forfeited to the State Government.

(*3*) The authority empowered under sub-section (*1*) may also by order in writing prohibit any assembly or procession whenever and for so long as it considers such prohibition to be necessary for the preservation of the public order :

Provided that no such prohibition shall remain in force for more than fifteen days without the sanction of the State Government.

(*4*) The authority empowered under sub-section (*1*) may also by public notice temporarily reserve for any public purpose any street or public place and prohibit persons from entering the area so reserved, except under such conditions as may be prescribed by such authority.

Power to prohibit, etc., continuance of music, sound or noise.

38. (*1*) If the Commissioner or District Superintendent is satisfied from the report of an officer in charge of a Police Station or other information received by him that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or risk of annoyance, disturbance, discomfort or injury to the public or to any persons who dwell or occupy property in the vicinity, he may, by a written

order issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating—

(*a*) the incidence or continuance in or upon any premises of—

(*i*) any vocal or instrumental music,

(*ii*) sounds caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance or apparatus or contrivance which is capable of producing sound, or

(*b*) the carrying on, in or upon, any premises of any trade, avocation or operation resulting in or attended with noise.

(*2*) The authority empowered under sub-section (*1*) may, either on its own motion or on the application of any person aggrieved by an order made under sub-section (*1*), either rescind, modify or alter any such order :

Provided that before any such application is disposed of, the said authority shall afford to the applicant an opportunity of appearing before it either in person or by pleader and showing cause against the order and shall, if it rejects any such application either wholly or in part, record its reasons for such rejection.

Issue of orders for prevention of riot, etc.

39. (*1*) In order to prevent or suppress any riot or grave disturbance of peace, the Commissioner and the District Superintendent, in areas under their respective charges, may temporarily close or take possession of any building or place, and may exclude all or any persons therefrom, or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such orders as the authority making orders may make and notify in exercise of the authority hereby vested in it.

Compensation to lawful occupier of building or place closed or taken possession of.

(*2*) If the lawful occupier of such building or place suffers substantial loss or injury by reason of the action taken under sub-section (*1*), he shall be entitled, on application made to the authority concerned within one month from the date of such action, to receive reasonable compensation for such loss or injury, unless such action was in the opinion of such authority rendered necessary either by the use to which such building or place was put or intended to be put or by the misconduct of persons having access thereto.

Disputes as to compensation to be settled.

(*3*) In the event of any dispute in any case under sub-section (*2*) the decision of the Chief Presidency Magistrate or the District Magistrate, as the case may be, shall be conclusive as to the amount (if any) to be paid, and as to the person to whom it is to be paid.

Issue of orders for maintenance of order at religious ceremonials, etc.

40. (*1*) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organised assemblage in any street or public place, as to which or the conduct of or participation in which it shall appear to a competent authority that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such authority may give such orders as to the conduct of the persons concerned towards each other and towards the public as it shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

(*2*) Any order under sub-section (*1*) shall be subject to a decree, injunction or orde made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the authority making the order that such order is

inconsistent with a judgment, decree, injunction or order of such Court, on the complaint, suit or an application of any person interested, as to the rights and duties of any persons affected by the order aforesaid.

41. (*1*) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at an assembly or meeting to which the public are invited or which is open to the public, the senior Police officer of highest rank superior to that of constable, present at such place of amusement or such assembly or meeting may, subject to such rules and orders as may have been lawfully made, give such reasonable direct ons as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings and the maintenance of the public safety at such place of amusement or such assembly or meeting, as he thinks necessary and all persons shall be bound to conform to every such reasonable direction. Police to provide against disorder, etc., at places of amusement and public meetings.

(*2*) The Police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (*1*) and to any direction made thereunder. Police to have free access thereto.

42. On complaint being made to the District Magistrate or a Sub-Divisional Magistrate that any house in a town or village in his district or sub-division to which the State Government has by notification extended this section is used as a common brothel or lodging house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used may order the owner or tenant, within a reasonable period, which shall be set forth in the order, to discontinue such use of it. Discontinuance of brothels.

43. (*1*) Whenever it shall appear to the Commissioner or District Magistrate that any place in the areas under their respective charges, at which, on account of a pilgrimage, fair or other such occurrence, large bodies of persons have assembled or are likely to assemble is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may by public notice prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom as he shall deem necessary to prevent the outbreak of such disease or the spread thereof. District Magistrate may take special measures to prevent outbreak of epidemic disease at fair, etc.

(*2*) It shall be lawful for the District Magistrate or for the Collector or the Chief Presidency Magistrate on the requisition of the Commissioner or the District Magistrate to assess and levy such reasonable fees on persons falling under the provisions of sub-section (*1*) as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage.

(*3*) When the place of assemblage is within the limits of a municipality or corporation such sums as shall be necessary for the purposes aforesaid may be recovered from the municipality or corporation.

44. (*1*) The Commissioner and the District Superintendent in areas under their respective charges may from time to time, by public notice, proclaim that any stray dogs found, during such period as may be specified in the said notice, Destruction of stray dogs.

wandering in the streets or in any public place may be destroyed, and any dog so found within such period may be destroyed accordingly.

(*2*) The authority empowered under sub-section (*1*) may by public notice require that every dog, while in any street or public place and not led by some person, shall be muzzled in such a manner as effectually to prevent it from biting, while not obstructing its breathing or drinking, and the Police may, so long as such notice remains in force, destroy, or take possession of and detain, any dog found loose without muzzle in any street or place beyond the premises of the owner thereof:

Provided that any dog so found, wearing a collar on which an apparently genuine name and address of an owner is inscribed, shall not, unless it is rabid, be forthwith destroyed, but information of the detention thereof shall forthwith be sent by post or otherwise to such owner.

(*3*) Any dog which has been detained under sub-section (*2*) for a period of three clear days without the owner providing a muzzle and paying all expenses connected with such detention, may be destroyed or sold with the sanction and under the orders of the competent authority.

(*4*) The proceeds of the sale of any dog under sub-section (*3*) shall be applied, as far as may be, in discharge of the expenses incurred in connection with its detention, and the balance, if any, shall form part of the consolidated fund of the State.

(*5*) Any expenses incurred in connection with the destruction or detention of any dog under this section shall, subject to the provisions of sub-section (*4*), be recoverable from the owner thereof upon a warrant issued by the competent authority as if it were a warrant under section 386 of the Code of Criminal Procedure, 1898. V of 1898.

Destruction of suffering or unfit animals.

45. (*1*) Any Police officer who in any street or public place other than a place of worship finds any animal other than a bull or a cow so diseased, or so severely injured, and in such a physical condition, that in his opinion it cannot without cruelty be removed, shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon the Veterinary Practitioner in charge of the area in which the animal is found and, if the Veterinary Practitioner certifies that the animal is mortally injured, or so severely injured, or so diseased, or in such a physical condition, that it is cruel to keep it alive, the Police officer may, without the consent of the owner, destroy the animal or cause it to be destroyed:

Provided that if in the opinion of the Veterinary Practitioner the animal can be removed from the place where it is found without causing it great suffering, and, if the owner or person in charge of the animal or in their absence any other person on the spot is willing and offers to remove the animal to a Veterinary Hospital or Panjrapol within such time as the Veterinary Practitioner considers reasonable, the Veterinary Practitioner shall allow the animal to be removed by such owner, person in charge of the animal or other person. If the owner or person in charge of the animal or such other person is unwilling or fails so to remove the animal, the Veterinary Practitioner may direct the Police officer to remove the animal before it is destroyed from the place where it is found to such other place as he may think fit:

Provided further that when the animal is destroyed in any street or public place it shall, as far as possible, be screened from the public gaze while it is being destroyed.

(*2*) The State Government may appoint such persons as it thinks fit to be Veterinary Practitioners and may declare the areas of which they shall be in charge for the purposes of this Act.

46. Every power conferred by this Chapter on a District Superintendent not specially empowered by the State Government to exercise that power or on any officer subordinate to him shall be exercised by him subject to the orders of the District Magistrate and all rules, regulations and orders made under this Chapter shall, if made by the Commissioner, be governed by such rules and orders as the State Government may from time to time make in this behalf and, if made by the District Magistrate or the District Superintendent specially empowered in that behalf, shall be subject to the provisions of section 17.

Powers under this Chapter to be exercised by District Superintendent subject to the control of District Magistrate and Commissioner and by District Magistrates subject to the control of State Government.

CHAPTER V.

Special measures for maintenance of public order and safety of State.

I. Employment of additional Police, recovery of cost thereof and of riot compensation—its assessment and recovery.

47. (*1*) The Commissioner or District Superintendent may, on the application of any person, depute any additional number of Police to keep the peace, to preserve order or to enforce any of the provisions of this or any other Act in respect of any particular class or classes of offences or to perform any other Police duties at any place in the area under his charge.

Employment of additional Police on application of a person.

(*2*) Such additional Police shall be employed at the cost of the person making the application, but shall be subject to the orders of the Police authorities and shall be employed for such period as the appointing authority thinks fit.

(*3*) If the person upon whose application such additional Police are employed shall at any time make a written requisition to the appointing authority to which the application for the employment of additional Police was made, for the withdrawal of the said Police, he shall be relieved from the cost thereof at the expiration of such period not exceeding one month from the date of the delivery of such requisition, as the State Government or the appointing authority, as the case may be, shall determine.

48. (*1*) Whenever it appears to the State Government or a competent authority that—

Employment of additional police at large works and when apprehension regarding behaviour of employees exists.

(*a*) any large work which is being carried on or any public amusement which is being conducted is likely to impede the traffic or to attract a large number of people, or

(*b*) that the behaviour or a reasonable apprehension of the behaviour, of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place necessitates the employment of additional Police at such place, the State Government or the competent authority may depute such additional Police to the said place as it shall think fit and keep the said Police employed at such place for so long as such necessity shall appear to it to continue.

(*2*) Such additional Police shall be employed at the cost of the person by whom the work, amusement, manufactory or concern is being constructed, conducted or carried on and the said person shall pay the costs therefor at such rates as the State Government or the competent authority, as the case may be, shall from time to time require.

Recovery of cost of additional Police employed under sections 47 and 48.

49. In case of any dispute under section 47 or 48 the decision of the Chief Presidency Magistrate, in Greater Bombay, and the District Magistrate, in the district, shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid and the sum so ascertained may, on the requisition of the Chief Presidency Magistrate or the District Magistrate, be recovered by the Collector as if it were an arrear of land revenue due by the person found to be answerable therefor.

Employment of additional Police in cases of special danger to public peace.

50. (*1*) If in the opinion of the State Government any area is in a disturbed or dangerous condition or in which the conduct of the inhabitants or of any particular section of the inhabitants renders it expedient temporarily to employ additional Police, it may by notification in the *Official Gazette* specify—

(*a*) the area (hereinafter called " the disturbance area ") in which the additional Police is to be employed,

(*b*) the period for which the additional Police is to be employed :

Provided that the period fixed under clause (*b*) may be extended by the State Government from time to time, if in its opinion it is necessary to do so in the general interest of the public. The cost of the additional Police shall be a tax imposed under this section and shall be recovered in the manner prescribed in the succeeding sub-sections.

(*2*) The decision of the State Government under clauses (*a*) and (*b*) of sub-section (*1*) shall be final.

(*3*) On the issue of such notification, the State Government may require,—

(*a*) in any disturbance area which is within the limits of a Corporation, the Municipal Commissioner, the Collector or any other authority,

(*b*) in any disturbance area which is within the limits of a municipality, the municipality, the Collector or any other authority,

(*c*) in any disturbance area which is outside the areas specified in clauses (*a*) and (*b*), the Collector or any other authority,

to recover, whether in whole or in part, the cost of such additional Police generally from all persons who are inhabitants of the disturbance area or specially from any particular section or sections, or class or classes of such persons, and in such proportion as the State Government may direct :

Provided that where the Municipal Commissioner or the Municipality is directed to recover such cost, an additional sum not exceeding 3 per cent. of the amount of such cost shall also be recoverable.

(*4*) (*i*) The State Government may require the Municipal Commissioner or the Municipality to recover such cost and the additional sum by an addition to the general or property tax which shall be imposed and levied in all or such of the municipal wards, sub-wards or sections thereof, as the State Government may direct. Every addition to the general or property tax imposed under this sub-section shall be recovered by the Municipal Commissioner or the Municipality from each person liable therefor in the same manner as the general or property tax due from him. The provisions of the relevant Municipal Act shall apply to any such addition as if

it were part of the general or property tax levied under the said Act. Such addition shall be a charge along with the general or property tax, on the properties, in such municipal wards or sub-wards or sections.

(*ii*) The State Government may also require the Municipal Commissioner or the Municipality to recover such cost and the additional sum from each person liable therefor under sub-section (*3*) in such manner as the State Government may direct.

(*iii*) Where the Municipal Commissioner or a Municipality makes default in imposing and levying any such tax or in making such recovery, the State Government may direct the Collector to impose and levy such tax or to make such recovery.

(*5*) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(*6*) It shall be lawful for the State Government by order to exempt any person from liability to bear any portion of the cost of such additional Police.

(*7*) Out of the total amount recovered by the Municipal Commissioner or by a Municipality under sub-section (*4*) or (*5*) whether before or after the coming into operation of this Act the amount of the cost shall be paid to the State Government and the balance, if any, shall be credited to the municipal fund constituted under the relevant Municipal Act. Such amount of cost shall be paid to the State Government every three months.

Explanation.—In this section the expression "inhabitants" when used with reference to any area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupiers of land in such area notwithstanding that they do not actually reside therein.

Compensation for injury caused by unlawful assembly, how recoverable. Date to be fixed for liability.

51. (*1*) When any loss or damage is caused to any property or when death results or grievous hurt is caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly, the State Government may, by notification in the *Official Gazette*, specify—

(*a*) the area, (hereinafter called "the disturbance area"), in which in its opinion such unlawful assembly was held;

(*b*) the date on which or the period during which such unlawful assembly was held.

(*2*) The decision of the State Government under clauses (*a*) and (*b*) of sub-section (*1*) shall be final.

(*3*) On the issue of a notification under sub-section (*1*), the Chief Presidency Magistrate, in Greater Bombay, and the District Magistrate, in Districts, may, after such inquiry as he deems necessary, determine the amount of the compensation which, in his opinion, should be paid to any person or persons in respect of the loss or damage or death or grievous hurt aforesaid. The amount of compensation shall be a tax imposed under this section and shall be recovered in the manner prescribed in the succeeding sub-sections.

(*4*) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may require—

(*a*) in any disturbance area which is within the limits of a Corporation, the Municipal Commissioner, the Collector or any other authority;

(*b*) in any disturbance area which is within the limits of a municipality, the municipality, the Collector or any other authority, and

(*c*) in any disturbance area which is outside the area specified in clauses (*a*) and (*b*), the Collector or any other authority

to recover the amount (hereinafter called "the compensation amount") as determined under sub-section (*3*) either in whole or in part and where the Municipal Commissioner or the Municipality is required to recover such amount, an additional sum not exceeding three per cent. of the compensation amount (hereinafter referred to as "the Municipal recovery cost"), generally from all persons who were inhabitants of the disturbance area or specially from any particular section or sections, or class or classes of such persons in the said area, and in such proportion as the Chief Presidency Magistrate or the District Magistrate may direct.

(*5*) (*i*) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may require the Municipal Commissioner or the Municipality concerned to recover the compensation amount and the municipal recovery cost by an addition to the general or property tax which shall be imposed and levied in the disturbance area. Every addition to the general or property tax imposed under this sub-section shall be recovered by the Municipal Commissioner or the Municipality concerned from each person liable therefor in the same manner as the general or property tax due from him. The provisions of the relevant Municipal Act shall apply to any such addition as if it were part of the general or property tax levied under the relevant Municipal Act. Such addition shall be a charge along with the general or property tax on the properties in the area aforesaid.

(*ii*) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may also require the Municipal Commissioner or the Municipality concerned to recover the compensation amount and the municipal recovery cost from each person liable therefor under sub-section (*4*) in such manner as he may direct.

(*6*) Where a Municipal Commissioner or a Municipality makes a default in imposing and levying any such tax or in making any such recovery, the State Government may direct the Collector to impose and levy such tax or to make such recovery.

(*7*) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(*8*) Out of the total amount recovered by the Municipal Commissioner or by a Municipality under sub-section (*5*) or (*7*), whether before or after the coming into operation of this Act, the proportionate amount of the municipal recovery cost shall be deducted therefrom and the amount not exceeding the compensation amount determined by the Chief Presidency Magistrate or the District Magistrate, as the case may be, under sub-section (*3*) shall be paid to him for the payment of compensation to the persons entitled thereto and the balance, if any, shall be credited to the municipal fund constituted under the relevant Municipal Act. Such amount shall be paid to the Chief Presidency Magistrate or the District Magistrate, as the case may be, every three months.

(*9*) It shall be lawful for the Chief Presidency Magistrate or the District Magistrate, as the case may be, by order, to exempt any persons from liability to pay any portion of the compensation amount.

(*10*) The State Government may, (*a*) on its own motion, or (*b*) on an application made by a person within a period of thirty days from the date of the order of the Chief Presidency Magistrate or a District Magistrate, as the case may be, granting or refusing to grant an exemption thereunder, set aside or modify such order.

Explanation.—In this section the expression "inhabitants" when used with reference to any disturbance area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

Chief Presidency Magistrate or District Magistrate to award or apportion compensation.

52. (*1*) It shall be lawful for the Chief Presidency Magistrate or the District Magistrate, as the case may be, to award or apportion all or any moneys recovered as compensation amount under sub-sections (*3*) to (*8*) of section 51 to any person or among all or any persons whom he considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid.

(*2*) No compensation shall be awarded under this section except upon a claim made within 45 days from the date of the notification issued by the State Government under sub-section (*1*) of section 51 and unless the Chief Presidency Magistrate or the District Magistrate, as the case may be, is satisfied that the person claiming compensation or where such claim is made in respect of the death of any person, that that person also has himself been free from blame in connection with the occurrences which led to the loss, damage, death or grievous hurt as aforesaid.

(*3*) The compensation payable to any person under section 51 in respect of death or grievous hurt shall not in any way be capable of being assigned or charged or be liable to attachment or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.

(*4*) Every direction and order made by the Chief Presidency Magistrate or the District Magistrate, as the case may be, under this or the preceding section shall be subject to revision by the State Government, but save as aforesaid, shall be final.

(*5*) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted under this section.

Chief Presidency Magistrate or District Magistrate to discharge functions under orders of State Government.

53. The Chief Presidency Magistrate or the District Magistrate, as the case may be, shall discharge his functions under sections 51 and 52 subject to any general or special orders of the State Government in this behalf.

Proportionate recovery of the cost of additional Police and compensation for loss caused by unlawful assembly.

Bom. LVII of 1947.

54. (*1*) Notwithstanding anything contained in the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, where under the provisions of section 50 or 51, the Municipal Commissioner, the Municipality or the Collector, as the case may be, is required to recover the cost of the additional police including the additional sum referred to in sub-section (*3*) of section 50 (hereinafter called "the additional cost") or the compensation amount and the municipal recovery cost (hereinafter called "the riot tax") by an addition to the general or property tax, the landlord from whom any portion of the additional cost or the riot tax is recovered, in respect of any premises shall be entitled to recover 75 per cent. of such portion from the tenant in the occupation of the premises during the period fixed under sub-section (*1*) of section 50 or on the date or during the greater part of the period specified under clause (*b*) of sub-section (*1*) of section 51, as the case may be, in the manner specified in sub-section (*2*).

(*2*) The amount referred to in sub-section (*1*) and to be recovered from a tenant referred to therein shall bear the same proportion as the rent payable by him in respect of the premises in his occupation bears to the total amount of rent recoverable for the whole premises i let, and the same shall be recoverable from the tenant in not less than four equal instalments.

(*3*) The provisions of sub-section (*1*) in so far as they relate to the recovery of the riot tax from the tenants shall not apply to Greater Bombay during the period during which section 10B of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, is in force in the said area. Bom. LVII of 1947.

II. Dispersal of Gangs and Removal of Persons convicted of certain offences.

Dispersal of gangs and bodies of persons.

55. Whenever it shall appear in Greater Bombay and in other areas in which a Commissioner is appointed under section 7 to the Commissioner and in a district to the District Magistrate, the Sub-Divisional Magistrate or the District Superintendent specially empowered by the State Government in that behalf, that the movement or encampment of any gang or body of persons in the area in his charge is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such officer may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such officer thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or disperse and each of them to remove himself outside the area within the local limits of his jurisdiction within such time as such officer shall prescribe, and not to enter the area or return to the place from which each of them was directed to remove himself.

Removal of persons about to commit offence.

56. Whenever it shall appear in Greater Bombay and other areas for which a Commissioner has been appointed under section 7 to the Commissioner and in other area or areas to which the State Government may, by notification in the *Official Gazette*, extend the provisions of this section, to the District Magistrate, or the Sub-Divisional Magistrate specially empowered by the State Government in that behalf (*a*) that the movements or acts of any person are causing or calculated to cause alarm, danger or harm to person or property, or (*b*) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, XVI or XVII of the Indian Penal Code, or in the abetment of any such offence, and when in the opinion of such officer witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property, or (*c*) that an outbreak of epidemic disease is likely to result from the continued residence of an immigrant, the said officer may, by an order in writing duly served on him or by beat of drum or otherwise as he thinks fit, direct such person or immigrant so to conduct himself as shall seem necessary in order to prevent violence and alarm or the outbreak or spread of such disease or to remove himself outside the area within the local limits of his jurisdiction by such route and within such time as the said officer may prescribe and not to enter or return to the said area from which he was directed to remove himself. XLV of 1860.

Removal of persons convicted of certain offences.

57. If a person has been convicted—

(*a*) of an offence under Chapter XII, XVI or XVII of the Indian Penal Code, or (XLV of 1860.)

(*b*) twice of an offence under section 9 or 23 of the Bombay Beggars Act, 1945, or under the Bombay Prevention of Prostitution Act, 1923, or (Bom. XXIII of 1945. Bom. XI of 1923.)

(*c*) thrice of an offence within a period of three years under section 4 or 12*A* of the Bombay Prevention of Gambling Act, 1887, or under the Bombay Prohibition Act, 1949. (Bom. IV of 1887. Bom. XXV of 1949.)

the Commissioner, the District Magistrate or the Sub-Divisional Magistrate specially empowered by the State Government in this behalf, if he has reason to believe that such person is likely again to engage himself in the commission of an offence similar to that for which he was convicted, may direct such person to remove himself outside the area within the local limits of his jurisdiction, by such route and within such time as the said officer may prescribe and not to enter or return to the area from which he was directed to remove himself.

Explanation.—For the purpose of this section "an offence similar to that for which a person was convicted" shall mean—

(*i*) in the case of a person convicted of an offence mentioned in clause (*a*), an offence falling under any of the Chapters of the Indian Penal Code mentioned in that clause, and

(*ii*) in the case of a person convicted of an offence mentioned in clauses (*b*) and (*c*), an offence falling under the provisions of the Acts mentioned respectively in the said clauses.

Period of operation of orders under sections 55, 56 and 57.

58. A direction made under section 55, 56 or 57 not to enter any particular area shall be for such period as may be specified therein and shall in no case exceed a period of two years from the date on which it was made.

Hearing to be given before order under section 55 56 or 57 is passed.

59. (*1*) Before an order under section 55, 56 or 57 is passed against any person the officer acting under any of the said sections or any officer above the rank of an Inspector authorised by that officer shall inform the person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of tendering an explanation regarding them. If such person makes an application for the examination of any witness produced by him, the authority or officer concerned shall grant such application ; and examine such witness, unless for reasons to be recorded in writing, the authority or officer is of opinion that such application is made for the purpose of vexation or delay. Any written statement put in by such person shall be filed with the record of the case Such person shall be entitled to appear before the officer proceeding under this section by an advocate or attorney for the purpose of tendering his explanation and examining the witnesses produced by him.

(*2*) The authority or officer proceeding under sub-section (*1*) may, for the purpose of securing the attendance of any person against whom any order is proposed to be made under section 55, 56 or 57, require such person to appear before him and to pass a security bond with or without sureties for such attendance during the inquiry. If the person fails to pass the security bond as required or fails to appear before the officer or authority during the inquiry, it shall be lawful to the officer or authority to proceed with the inquiry and thereupon such order as was proposed to to be passed against him may be passed.

Appeal.

60. Any person aggrieved by an order made under section 55, 56 or 57 may appeal to the State Government within thirty days from the date of such order.

Finality of orders passed by State Government in certain cases.

61. Any order passed under section 55, 56 or 57 or by the State Government under section 60 shall not be called in question in any Court except on the ground that the authority making the order or any officer authorised by it had not followed the procedure laid down in sub-section (*1*) of section 59 or that there was no material before the authority concerned upon which it could have based its order or on the ground that the said authority was not of opinion that witnesses were unwilling to come forward to give evidence in public against the person in respect of whom an order was made under section 56.

Procedure on failure of person to leave the area and his entry therein after removal.

62. If a person to whom a direction has been issued under section 55, 56 or 57 to remove himself from an area—

(*i*) fails to remove himself as directed,

or

(*ii*) having so removed himself, except with the permission in writing of the authority making the order, enters the area within the period specified in the order,

the authority concerned may cause him to be arrested and removed in police custody to such place outside the area as the said authority may in each case prescribe.

Temporary permission to enter or return to the area from which a person was directed to remove himself.

63. (*1*) The State Government may, by order, permit any person in respect of whom an order has been made under section 55, 56 or 57, to enter or return for a temporary period to the area from which he was directed to remove himself, subject to such conditions as it may by general or special order specify and which such person accepts and may, at any time, revoke any such permission.

(*2*) In permitting a person under sub-section (*1*) to enter or return to the area from which he was directed to remove himself, the State Government may require him to enter into bond with or without surety for the observance of the conditions imposed.

(*3*) Any person permitted under sub-section (*1*) to enter or return to the area from which he was directed to remove himself shall surrender himself at the time and place and to the authority specified in the order or in the order revoking the said order, as the case may be.

CHAPTER VI.

Executive powers and duties of the Police.

Duties of a Police officer.

64. It shall be the duty of every Police officer—

(*a*) promptly to serve every summons and obey and execute every warrant or other order lawfully issued to him by competent authority, and to endeavour by all lawful means to give effect to the lawful commands of his superior;

(*b*) to the best of his ability to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and to lay such information and to take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of cognizable, and within his view of non-cognizable offences ;

(*c*) to prevent to the best of his ability the commission of public nuisances ;

(*d*) to apprehend without unreasonable delay all persons whom he is legally authorised to apprehend and for whose apprehension there is sufficient reason ;

(*e*) to aid another Police officer when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided ;

(*f*) to discharge such duties as are imposed upon him by any law for the time being in force.

Power to enter places of public resort.

65. (*1*) Every Police officer may, subject to the rules and orders made by the State Government or by a person lawfully authorized, enter for any of the purposes referred to in section 64 without a warrant, and inspect any place of public resort which he has reason to believe is used as drinking shop, or a shop for the sale of intoxicating drugs or a place of resort of loose and disorderly characters.

Power to search suspected persons in a street.

(*2*) When in a street or a place of public resort a person has possession or apparent possession of any article which a Police officer in good faith suspects to be stolen property, such Police officer may search for and examine the same and may require an account thereof, and, should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to sections 523 and 525 of the Code of Criminal Procedure, 1898, or other law in force.

V of 1898.

Duties of Police officers towards the public.

66. It shall be the duty of every Police officer—

(*a*) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves ;

(*b*) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick, and whilst guarding or conducting any such person, to have due regard to his condition ;

(*c*) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody ;

(*d*) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance ;

(*e*) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness ;

(*f*) to use his best endeavours to prevent any loss or damage by fire ;

(*g*) to use his best endeavours to avert any accident or danger to the public.

Police to regulate traffic, etc. in streets.

67. It shall be the duty of a Police officer—

(*a*) to regulate and control the traffic in the streets, to prevent obstructions therein and, to the best of his ability, to prevent the infraction of any rule or order made under this Act or any other law in force for observance by the public in or near the streets ;

(*b*) to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship ;

(*c*) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry-boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

Persons bound to conform to reasonable orders of Police.

68. All persons shall be bound to conform to the reasonable directions of a Police officer given in fulfilment of any of his duties under this Act

Power of Police officer to restrain, remove, etc.

69. A Police officer may restrain or remove any person resisting or refusing or omitting to conform to any direction referred to in section 68 and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

Enforcement of orders issued under section 37, 38 or 39.

70. Whenever a notification has been duly issued under section 37 or an order has been made under section 38 or 39, it shall be lawful for any Magistrate in a District or Police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or Police officer may also seize any object or thing used or about to be used in contravention of such notification, or order as aforesaid, and the thing seized shall be disposed of according to the order of any District Magistrate having jurisdiction at the place.

Duty of Police to see orders issued under section 43, 55, 56 or 57 are carried out.

71. It shall be the duty of the Police to see that every regulation and direction made by any authority under section 43, 55, 56 or 57 is duly obeyed, to warn persons who from ignorance fail to obey the same and to arrest any person who wilfully disobeys the same.

When Police officer may arrest without warrant.

72. Any Police officer may, without any order from a Magistrate and without a warrant, arrest—

(*1*) any person who has been concerned in an offence punishable under section 121 or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists, of his having been concerned in such offence ;

(*2*) any person who contravenes a rule or order under clause (*x*) of sub-section (*1*) of section 33 or an order or notification under section 36, 37, 56 or 57 ;

(*3*) any person who commits an offence punishable under section 122 or section 136.

XI of 1890.

73. Any Police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 3, 3A, 4, 5, 6 or 6C of the Prevention of Cruelty to Animals Act, 1890. When Police may arrest without a warrant.

XI of 1890.

74. When in respect of an animal an offence under section 3 or section 5 or sub-section (*1*) of section 6 of the Prevention of Cruelty to Animals Act, 1890, hereinafter in this section and in sections 75 and 77 referred to as 'the said Act has been committed, or, when there is a reasonable ground for suspecting that such offence has been committed, a Police officer may— Powers with regard to offences under Act XI of 1890.

(*a*) take the animal to a Magistrate, or

(*b*) if the accused person so requires, take the animal to a veterinary officer, if any, empowered by the State Government in this behalf, or

(*c*) take the animal to an infirmary appointed under sub-section (*2*) of section 6 of the said Act for treatment and detention therein, pending direction of a Magistrate under sub-section (*3*) of the said section, or

(*d*) when the animal is in such a physical condition that it cannot be taken to a veterinary officer or a Magistrate, draw up a report of the condition of the animal in the presence of two or more respectable persons describing such wounds, sores, fractures, bruises, or other marks of injury as may be found on the body of the animal :

Provided that in cases falling under clause (*b*) or (*d*) the Police officer may direct that the animal shall be sent for detention in a dispensary or any suitable place approved by the State Government by general or special order and be there detained until its production before a Magistrate :

Provided further that an animal so detained shall be produced before a Magistrate with the least possible delay and within a period not exceeding three days from the date on which it was sent for detention and shall be handed over to its owner unless the Magistrate passes an order for its further detention in an infirmary.

75. When an animal is brought before a Magistrate under section 74, the Magistrate may direct the animal to be returned to the person from whose possession it was taken, on such person giving security to the satisfaction of the Magistrate, binding himself to produce the animal when required, or may direct that the animal shall be sent for treatment and care to an infirmary and be there detained as provided in sub-section (*3*) of section 6 of the said Act or may make such order as he thinks fit regarding the disposal or custody and production of the animal. Power of Magistrate to return animal to person from whose possession it was taken.

76. The veterinary officer before whom an animal is brought under section 74 shall with all convenient speed examine the same and draw up a report of such examination. A copy of the report shall be delivered free of charge to the accused person if he applies for it. Veterinary officer to examine the animal.

77. When under section 74 a Police officer directs that an animal shall be sent for detention in a dispensary or any suitable place before its production before a Magistrate or under section 74 a Magistrate directs that an animal shall be sent for treatment and care to an infirmary and be detained therein, the provisions of sub-sections (*5*), (*6*), (*7*) and (*8*) of section 6 of the said Act shall, so far as may be, apply. Animal to be dealt with under Act XI of 1890.

Power of Police officer to unsaddle the animal or unload.

78. When a Police officer in good faith suspects that any animal being employed in any work or labour is, by reason of any sore, unfit to be so employed, he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascertaining whether any sore exists and, if such person refuses to do so, may himself unsaddle or unload the animal or may cause the same to be unsaddled or unloaded.

When Police may arrest without warrant.

79. Any Police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 122 or 125 or 130 or under section 117, clause (*i*) of section 135 or clause (*i*), (*iv*) or (*v*) of section 131 in respect of a contravention of a rule made under clause (*b*) of sub-section (*1*) of section 33 prohibiting the occupation of or sale or exposure for sale of any goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public or of any rule made under clause (*h*), (*r*) (*ii*) or (*u*) of sub-section (*1*) of section 33 or of a prohibition given under clause (*a*), (*b*) or (*c*) of sub-section (*1*) of section 37, clause (*i*) of section 100, section 106, 110, 112, 113 or clause (*a*) of section 115.

Other powers of arrest.

80. (*1*) Any Police officer specially empowered in this behalf by a competent authority may arrest without warrant for an offence specified in section 110.

(*2*) Any Police officer may, on the information of any person in possession or charge of any dwelling house, private premises, or land or ground attached thereto, arrest without warrant any person alleged to have committed therein or thereon an offence punishable under section 120.

Refusal to obey warning or to accompany Police.

81. A Police officer may arrest without warrant any person committing in his presence in any street or public place any non-cognizable offence punishable under this Act, or under any rule made thereunder and for which no express provision has been made elsewhere or under any other law for the time being in force, if such person—

(*i*) after being warned by a Police officer persists in committing such offence, or

(*ii*) refuses to accompany the Police officer to a Police Station on being required so to do.

Police to take charge of unclaimed property.

82. (*1*) The Police shall take temporary charge—

(*a*) of all unclaimed property found by, or made over to them, and also

(*b*) of all property found lying in any public street, if the owner or person in charge of such property on being directed to remove the same, refuses or omits to do so.

(*2*) In Greater Bombay the property of which the Police have taken charge under sub-section (*1*) shall be handed over to the Commissioner.

Intestate property over four hundred rupees in value.

83. (*1*) In Greater Bombay if any property of the nature referred to in section 82 appears to have been left by a person who has died intestate, and not to be under four hundred rupees in value, the Commissioner shall communicate with the Administrator General, with a view to its being dealt with under the provisions of the Administrator General's Act, 1913, or other law for the time being in force. III of 1913.

(*2*) In areas outside Greater Bombay the property shall be delivered to the police-patel, if any, of the town or village in which the same was found, and a receipt therefor taken from the police-patel, who shall forward such property to the Magistrate to whom such police-patel is subordinate. If in any such case there be no police-patel of such town or village, the Police shall forthwith report to such Magistrate as the Magistrate of the district shall, from time to time, appoint in this behalf, and act thereafter as the said first mentioned Magistrate shall direct.

Intestate property over four hundred rupees in value.

84. If the property regarding which a report is made to a Magistrate under section 83 or under section 19 of the Bombay Village Police Act, 1867, appears to such Magistrate to have been left by a person who has died intestate and without known heirs and to be likely, if sold in public auction, to realise more than four hundred rupees net proceeds, he shall communicate with the District Judge with a view to its being dealt with under the provisions of section 10 of Bombay Regulation VIII of 1827 (a Regulation to provide for the formal recognition of heirs, etc.) or other law in force.

Bom. VIII of 1867.

Procedure in other cases.

85. (*1*) In any case not covered by section 83 or 84 the Commissioner or the Magistrate concerned, as the case may be, shall issue a proclamation specifying the articles of which such property consists and requiring any person who may have a claim thereto to appear before himself or some other officer whom he appoints in this behalf and establish his claim within six months from the date of such proclamation.

Power to sell perishable property at once.

(*2*) If the property, or any part thereof, is subject to speedy and natural decay, or consists of live-stock, or if the property appears to be of less value than five rupees, it may be forthwith sold by auction under the orders of the Commissioner, or the Magistrate concerned, as the case may be, and the net proceeds of such sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property.

Delivery of property to person entitled.

86. (*1*) The Commissioner or the Magistrate concerned, as the case may be, shall, on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under sub-section (*1*) of section 85, order the same to be delivered to him, after deduction or payment of the expenses properly incurred by the Police in the seizure and detention thereof.

Power to take security.

(*2*) The Commissioner or the Magistrate concerned, as the case may be, may, at his discretion, before making any order under sub-section (*1*), take such security as he may think proper from the person to whom the said property is to be delivered; and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

In default of claim, property to be at disposal of State Government.

87. If no person establishes his claim to such property within the period specified in the proclamation it shall be at the disposal of the State Government, and the property, or such part thereof as has not already been sold under sub-section (*2*) of section 85, may be sold by auction under the orders of the Commissioner, or the Magistrate concerned, as the case may be.

Procedure not affected by Indian Succession Act or Administrator General's Act or Regulation VIII of 1827.

88. Nothing in the Indian Succession Act, 1925, or in the Administrator General's Act, 1913, shall apply to intestate property which is dealt with by the Commissioner, under sub-section (*1*) of section 85, nor shall the provisions of section 10 of Regulation VIII of 1827 likewise be deemed to apply to intestate property which is dealt with by a Magistrate under sub-section (*1*) of section 85. XXXIX of 1925 III of 1913.

Police officer may take charge of stray cattle.

89. In any area outside Greater Bombay, a Police officer may take charge of any animal falling under the provisions of the Cattle Trespass Act, 1871, which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of the said Act. I of 1871

Power to establish cattle-pounds and appoint pound-keepers.

90. (*1*) In Greater Bombay, the Commissioner and in other areas to which the State Government may by notification in the *Official Gazette* extend the provisions of this section and sections 91, 92, 93 and 94 of this Act, any officer appointed in that behalf by the State Government shall, from time to time, appoint such places as he thinks fit to be public pounds, and may appoint to be keepers of such pounds Police officers of such rank as may be approved by the State Government.

(*2*) Every pound-keeper so appointed shall, in the performance of his duties, be subject to the direction and control of the Commissioner, or such officer as aforesaid.

Impounding of cattle.

91. It shall be the duty of every Police officer, and it shall be lawful for any other person, to seize and take to any such public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property in Greater Bombay or in such areas as aforesaid.

Delivery of cattle claimed.

92. If the owner of the cattle impounded under section 91 or his agent appears and claims the cattle, the pound-keeper shall deliver them to him on payment of the pound-fees and expenses chargeable in respect of such cattle under section 94.

Sale of cattle not claimed.

93. (*1*) If within ten days after an animal has been impounded no person appearing to be the owner of such animal offers to pay the pound-fee and expenses chargeable under section 94, such animal shall be forthwith sold by auction, and the surplus remaining after deducting the fee and expenses aforesaid from the proceeds of the sale shall be paid to any person who, within fifteen days after the sale, proves to the satisfaction of such officer as the Commissioner authorises in this behalf or any other officer appointed under section 90 that he was the owner of such animal, and shall, in any other case, form part of the consolidated fund of the State.

(*2*) No Police officer or pound-keeper shall, directly or indirectly, purchase any cattle at a sale under sub-section (*1*).

Rate to be fixed by notification.

94. (*1*) The pound-fee chargeable shall be such as the State Government may, from time to time by notification in the *Official Gazette*, specify for each kind of animal for the whole State or for such area as may be specified in the notification.

(*2*) The expenses chargeable shall be at such rates for each day during any part of which an animal is impounded, as shall from time to time be fixed by the Commissioner or any officer appointed as aforesaid in respect of such animal.

V of 1898.

Powers as to inspection, search and seizure of false weights and measures.

95. (*1*) Notwithstanding anything contained in section 153 of the Code of Criminal Procedure, 1898, any Police officer generally or specially deputed, in Greater Bombay, by the Commissioner and elsewhere, by the District Superintendent or any other officer specially empowered in that behalf by the State Government, may without warrant enter any shop or premises for the purpose of inspecting or searching for any weights or measures or instruments for weighing or measuring used or kept therein.

(*2*) If he finds in such shop or premises weights, measures or instruments for weighing or measuring which he has reason to believe are false, he may seize the same and shall forthwith give information of such seizure to the Magistrate having jurisdiction, and if such weights, measures or instruments shall be found by the Magistrate to be false, they shall be destroyed.

(*3*) Weights and measures purporting to be of the same denomination as weights and measures, the standards whereof are kept under any law from time to time in force shall. if they do not correspond with the said standards, be deemed to be false within the meaning of this section.

V of 1898.

Procedure to be followed by officers and Magistrates in certain cases.

96. (*1*) Notwithstanding anything contained in sections 129, 130, sub-section (*2*) of section 167, and section 173 of the Code of Criminal Procedure, 1898—

(*i*) the powers and duties of a Magistrate under sections 129 and 130 of that Code may, in Greater Bombay, be exercised and performed by the Commissioner,

(*ii*) the Presidency Magistrate in Greater Bombay to whom an accused person is forwarded under sub-section (*2*) of section 167 of the Code, may, whether he has or has not jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit for a term not exceeding fifteen days at a time,

(*iii*) the officer in charge of the Police station shall forward his report under section 173 of the Code to the Commissioner or such other officer as the Commissioner may direct in that behalf.

V of 1898.

(*2*) Nothing contained in section 62 of the Code of Criminal Procedure, 1898, shall operate to require any officer in charge of a Police Station in Greater Bombay to submit any report provided for by that section to any Magistrate.

V of 1898.

(*3*) Sections 127 and 128 of the Code of Criminal Procedure, 1898, in their application to Greater Bombay shall be amended as follows :—

(*a*) in section 127, for the words " police station" the words " section or any police officer not below the rank of a sub-inspector authorised by the State Government in this behalf " shall be substituted ;

(*b*) in section 128, for the words " police station whether within or without the presidency-towns " the words and figures " section or any police officer authorised under section 127 " shall be substituted.

A superior Police Officer may himself perform duties imposed on his inferior, etc.

97. A Police officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him ; and in case of any duty imposed on such subordinate, a superior where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding an infringement thereof.

Emergency duties of Police.

98. (*1*) The State Government may, by notification in the *Official Gazette*, declare any specified service to be an essential service to the community :

Provided that such notification shall remain in force for one month in the first instance, but may be extended, from time to time, by a like notification.

(*2*) Upon a declaration being made under sub-section (*1*) and so long as it remains in force, it shall be the duty of every Police officer to obey any order given by any superior officer in relation to employment upon or in connection with the service specified in the declaration ; and every such order shall be deemed to be a lawful order within the meaning and for the purposes of this Act.

CHAPTER VII.

Offences and Punishments.

99. No person shall—

Disregarding the rule of the road.

(*a*) when driving a vehicle along a street and except in cases of actual necessity or of some sufficient reason, for deviation, fail to keep, on the left side of such street and when passing any other vehicle proceeding in the same direction fail to keep on the right side of such vehicle ; or

Leaving cattle, etc., insufficiently tended.

(*b*) leave in any street or public place insufficiently tended or secured any animal or vehicle.

Causing obstruction or mischief by animal.

100. No person shall cause obstruction, damage, injury, danger, alarm or mischief in any street or public place,—

(*i*) by any misbehaviour, negligence or ill-usage in the driving, management, treatment or care of any animal or vehicle ; or

(*ii*) by driving any vehicle or animal laden with timber, poles, or other unwieldy articles through a street or public place contrary to any regulation made in that behalf and published by a competent authority.

Exposing animal for hire or sale, etc.

101. No person shall in any street or public place expose for hire or sale any animal or vehicle, clean any furniture or vehicle, or clean or groom any horse or other animal, except at such times and places as a competent authority permits, or shall train or break in any horse or other animal or make any vehicle or any part of a vehicle, or except when in the case of an accident repairing on the spot is unavoidable, repair any vehicle or part of a vehicle or carry on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public.

102. No person shall cause obstruction in any street or public place by allowing any animal or vehicle which has to be loaded or unloaded, or to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose, or by leaving any vehicle standing or fastening any cattle therein, or using any part of a street or public place as a halting place for vehicles or cattle, or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time or contrary to any regulation made and published by a competent authority by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever. Causing any obstruction in a street.

103. No person shall drive, ride, lead, propel or leave on any footway any animal or vehicle other than a perambulator or fasten any animal so that the same can stand across or upon such footway. Obstructing a footway.

104. No person shall exhibit, contrary to any regulation made and notified by the Commissioner or a District Magistrate, as the case may be, any mimetic, musical or other performances of a nature to attract crowds, or carry or place bulky advertisements, pictures, figures or emblems in any street or public place whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned. Exhibiting mimetic, musical or other performances, etc.

105. No person shall slaughter any animal, clean a carcass or hide, or bathe or wash his person in or near to and within sight of a street or public place (except at a place set apart for the purpose by order of a competent authority) so as to cause annoyance to the neighbouring residents or to passers by. Doing offensive acts on or near street or public place.

106. No person shall in any street or public place (A) negligently let loose any horse or other animal, so as to cause danger, injury, alarm or annoyance, or suffer a ferocious dog to be at large without a muzzle, or (B) set on or urge a dog or other animal to attack, worry or put in fear any person or horse or other animal. Letting loose horse, etc. and suffering ferocious dogs to be at large.

107. No person shall bathe or wash in or by the side of a public well, tank, or reservoir not set apart for such purpose by order of a competent authority, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nala or other source or means of water-supply in which such bathing or washing is forbidden by order of the competent authority. Bathing or washing in places not set apart for those purposes.

108. No person shall defile or cause to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nala or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart by the order of the competent authority. Defiling water in public wells, etc.

109. No person shall obstruct or incommode a person bathing at a place set apart for the purpose by the order of the competent authority under section 107 by wilful intrusion or by using such place for any purpose for which it is not so set apart. Obstructing bathers.

Behaving indecently in public.

110. No person shall wilfully and indecently expose his person in any street or public place or within sight of, and in such manner as to be seen from, any street or public place, whether from within any house or building or not, or use indecent language or behave indecently or riotously or in a disorderly manner in a street or place of public resort or in any office, station or station house.

Obstructing or annoying passengers in the street.

111. No person shall wilfully push, press, hustle or obstruct any passenger in a street or public place or by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle or otherwise disturb the public peace or order.

Misbehaviour with intent to provoke a breach of the peace.

112 No person shall use in any street or public place any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned.

Prohibition against flying kite.

113. No person shall fly a kite so as to cause danger, injury or alarm to persons, houses or property.

Begging and exposing offensive ailments.

114. No person shall beg importunately for alms or direct or permit children under his control to beg for alms, or expose or exhibit, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in, or near to, and within sight of, any street.

Committing nuisance in or near street, etc.

115. No person shall in or near to any street, public place or place of public resort—

(*a*) commit a nuisance by easing himself, or

(*b*) having the care or custody of any child under seven years of age suffer such child to commit a nuisance as aforesaid.

Disregard of notice in public building.

116. No person shall, in any Court, Police Station, Police office, building occupied by Government or building occupied by any public body, smoke or spit in contravention of a notice by a competent authority in charge of such place and affixed to such Court, Station, office or building.

Penalties for offenders under sections 99 to 116.

117. Any person who contravenes any of the provisions of sections 99 to 116 (both inclusive) shall, on conviction, be punished with fine which may extend to fifty rupees.

Penalty for failure to keep in confinement cattle, etc.

118. (*1*) In any local area in which the State Government by notification in the *Official Gazette* brings this section into force, whoever through neglect or otherwise fails to keep in confinement or under restraint between one hour after sunset and sunrise any cattle which are his property or in his charge shall, on conviction, be punished with fine which may extend to one hundred rupees or on a second or any subsequent conviction, with fine which may extend to five hundred rupees or with imprisonment which may extend to six months or with both.

Explanation.—Cattle shall not be deemed to be kept in confinement within the meaning of this sub-section unless they are effectively confined within a fence, wall or other enclosure and shall not be deemed to be kept under restraint within the meaning of this sub-section unless they are restrained by means of a rope or other attachment.

(2) Any person may seize any cattle not being kept in confinement or under restraint as required by this section and may take or send the same to the nearest cattle-pound, and the owner and other persons concerned shall thereon become subject to the provisions of the Cattle Trespass Act, 1871. All officers of Police and all police patels and all members of the village police shall, when required, aid in preventing resistance to such seizures and rescues from persons making such seizures.

I of 1871.

(3) Any fine imposed under this section, may without prejudice to any other means of recovery provided by law, be recovered by sale of all or any of the cattle in respect of which the offence was committed, whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed.

Punishment for cruelty to animals.

119. Whoever in any place outside Greater Bombay cruelly beats, goads, overworks, ill-treats or tortures or causes or procures to be cruelly beaten, goaded, over-worked, ill-treated or tortured any animal, shall, on conviction, be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees, or with both.

Wilful trespass.

120. Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling house or premises or any land or ground attached thereto, or on any ground, building, monument or structure belonging to Government or appropriated to public purposes, or on any boat or vessel, shall, on conviction, whether he causes any actual damage or not, be punished with fine which may extend to twenty rupees.

False alarm of fire or damage to fire-alarm.

121. Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of a municipality or corporation or to any officer or fireman thereof whether by means of a street fire-alarm, statement, message or otherwise, or, with intent to give such false alarm, wilfully breaks the glass of, or otherwise damages a street fire-alarm, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

Being found under suspicious circumstances between sunset and sunrise.

122. Whoever is found between sunset and sunrise—

(*a*) armed with any dangerous instrument with intent to commit an offence, or

(*b*) having his face covered, or otherwise disguised, with intent to commit an offence, or

(*c*) in any dwelling-house or other building, or on board any vessel or boat without being able satisfactorily to account for his presence there, or

(*d*) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself, or

(*e*) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house-breaking, shall, on conviction, be punished with imprisonment for a term which may extend to three months.

Carrying weapon without authority.

123. Whoever not being a member of the armed forces of the Union and acting as such or a Police officer, goes armed with any sword, spear, bludgeon, gun or other offensive weapon or with any explosive or corrosive substance in any street or public place unless so authorised by lawful authority, shall be liable to be disarmed by any Police officer, and the weapon or substance so seized shall be forfeited to the State Government, unless redeemed within two months by payment of such fine not exceeding five hundred rupees as the Commissioner or the District Magistrate in areas under their respective charges imposes.

Possession of property of which no satisfactory account can be given.

124. Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or to act to the satisfaction of the Magistrate, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

Taking spirits into public hospital

125. Whoever—

(*a*) takes or introduces, or attempts to take or introduce, any spirits or spirituous or fermented liquors or intoxicating drugs or preparations into any public hospital without the permission of a medical officer of such hospital, or

or into barracks or on boards of vessels of war.

(*b*) not being amenable to the Articles of War takes or introduces, or attempts to take or introduce, any such spirits, liquors, drugs or preparations not belonging to any person above the rank of a non-commissioned officer,

(*i*) into the barracks or buildings occupied by the troops composing the Garrison of Bombay or into any military barracks, guard-rooms or encampments, or

(*ii*) on board or alongside of any vessel of war belonging to Government, shall, on conviction, be punished with imprisonment for a term which may extend to two months, or with fine which may extend to one hundred rupees, or with both and such spirits, liquor, drugs or preparations and the vessels containing the same, shall be forfeited to the State Government.

Omission by pawn-brokers etc. to report to Police possession or tender of property suspected to be stolen.

126. Whoever, being a pawn-broker, dealer in second-hand property, or worker in metals, or reasonably believed by the Commissioner, or District Superintendent in the areas under their respective charges to be such a person, and having received from a Police officer written or printed information that the possession of any property suspected to have been transferred by any offence mentioned in section 410 of the Indian Penal Code, or by any offence punishable under section 417, 418, 419 or 420 of the said Code, is found in possession or thereafter comes into the possession, or has an offer either by way of sale, pawn, exchange, or for custody, alteration or otherwise howsoever, made to him, of property answering the description contained in such information, shall, unless— LV of 1860.

(*i*) he forthwith gives information to the Commissioner, or the District Superintendent, as the case may be, or at a Police station of such possession or offer and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from whom the possession or offer was received, or

(*ii*) the property being, as an article of common wearing apparel or otherwise, incapable of identification from the written or printed information given, has been in no way concealed after the receipt of such information,

on conviction, be punished with fine which may extend to fifty rupees in respect of each such article of property so in his possession or offered to him.

127. Whoever, having received such information as is referred to in section 126, alters, melts, defaces or puts away or causes or suffers to be altered, melted, defaced or put away without the previous permission of the Police any such property, shall, on proof that the same was stolen property within the meaning of section 410 of the Indian Penal Code, or property in respect of which any offence punishable under section 417, 418, 419 or 420 of the said Code has been committed, be punished with imprisonment for a term which may extend to three years, or with fine, or with both. Melting, etc., of such property.

XLV of 1860.

128. Whoever takes from any child not appearing to be above the age of fourteen years any article whatsoever as a pawn, pledge or security for any sum of money lent, advanced or delivered to such child, or without the knowledge and consent of the owner of the article buys from such child any article whatsoever, shall, on conviction, be punished with fine which may extend to one hundred rupees. Taking pledge from child.

129. Whoever, being the keeper of any place of public amusement or entertainment, knowingly permits drunkenness or other disorderly behaviour or any gaming whatsoever, in such place, shall, on conviction, be punished with a fine which may extend to one hundred rupees. Permission of disorderly conduct at places of public amusement, etc.

130. Whoever, by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game, or in taking a part in the stakes or wagers, or in betting on the sides or hands of the players, or in wagering on the event of any game, sport, pastime or exercise, wins from any other person, for himself or any other or others, any sum of money or valuable thing, shall be deemed guilty of cheating within the meaning of section 415 of the Indian Penal Code, and be liable to punishment accordingly. Cheating at games.

XLV of 1860.

131. (*a*) Whoever contravenes any rule or order made under section 33 or contravenes any of the conditions of a licence issued under any such rule or order, or, Penalty for contravening rules, etc., under section 33.

(*b*) abets the commission of any offence under clause (*a*), shall, on conviction, be punished—

(*i*) if the rule or order under which the said licence was issued was made under clause (*d*), (*g*), (*h*), (*i*), sub-clauses (*i*) and (*ii*) of clause (*r*) or clause (*u*) of sub-section (*1*) of section 33, with imprisonment for a term which may extend to eight days or with fine which may extend to fifty rupees or with both ;

(*ii*) if the rule or order contravened was made under clause (*x*) of sub-section (*1*) of section 33, with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both ;

(*iii*) if the rule or order contravened or the rule or order under which the said licence was issued was made under clauses (*n*) and (*o*) of sub-section (*1*) of section 33 with fine which may extend to two hundred rupees ;

(*iv*) if the rule or order contravened was made under clause (*b*) of sub-section (*1*) of section 33 and prohibits the sale or exposure for sale of any goods on any street or portion thereof so as to cause obstruction to traffic or incovenience to the public—

(*a*) for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both, and

(*b*) for a subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees ; and

(*v*) if the rule or order contravened or the rule or order under which the said licence was issued was made under any other clause, with fine which may extend to fifty rupees.

Penalty for disobedience to order under section 31.

132. Whoever contravenes, disobeys, opposes, or fails to conform to an order under section 31 requiring him to vacate any premises, shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

Penalty for contravening rules, etc., under section 35.

133. Whoever contravenes any rule made under section 35 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees or with both.

Penalty for contravention of rule etc., under section 36.

134. Whoever contravenes, disobeys, opposes or fails to conform to any order given by a Police officer under section 36 shall, on conviction, be punished with fine which may extend to two hundred rupees.

Penalty for contravention of rules or directions under section 37, 39 or 40.

135. Whoever disobeys an order lawfully made under section 37, 39 or 40 or abets the disobedience thereof shall, on conviction, be punished—

(*i*) if the order disobeyed or of which the disobedience was abetted was made under sub-section (*1*) of section 37 or under section 39, or section 40, with imprisonment for a term which may extend to one year but shall not except for reasons to be recorded in writing, be less than four months and shall also be liable to fine, and

(*ii*) if the said order was made under sub-section (*2*) of section 37, with imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees, and

(*iii*) if the said order was made under sub-section (*3*) of section 37, with fine which may extend to one hundred rupees.

Penalty for contravening rules, etc., made under section 38.

136. Whoever disobeys any direction lawfully made under section 38 or abets the disobedience thereof shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

137. Whoever opposes or fails to conform to any direction given by the Police under section 41 shall, on conviction, be punished with fine which may extend to two hundred rupees.

Penalty for contravening rules, etc., made under section 41.

138. Whoever fails to comply with an order made under section 42 shall, on conviction, be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him.

Penalty for failure to comply with order under section 42.

139. Whoever contravenes or abets the contravention of any regulation made under section 43 shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to two hundred rupees, or with both.

Penalty for contravention of a regulation made under section 43.

140. Whoever opposes or fails to conform to any direction given by the Police under section 68 or abets the opposition or failure to do so shall, on conviction, be punished with fine which may extend to fifty rupees.

Penalty for contravening directions under section 68.

141. Whoever opposes or disobeys or fails to conform to any direction issued under section 55, 56 or 57 or abets opposition to or disobedience of any such direction shall, on conviction, be punished with imprisonment which may extend to one year but shall not, except for reasons to be recorded in writing, be less than four months, and shall also be liable to fine.

Penalty for contravention of directions under section 55, 56 or 57.

142. Notwithstanding anything contained in section 62 any person who, in contravention of a direction issued to him under section 55, 56 or 57 enters the area from which he was directed to remove himself shall, on conviction, be punished with imprisonment for a term which may extend to two years, but shall not, except for reasons to be recorded in writing, be less than six months, and shall also be liable to fine.

Penalty for entering area from which person has been directed to remove himself.

143. Whoever fails without sufficient cause to surrender in accordance with sub-section (*3*) of section 63 shall, on conviction, be punished with imprisonment which may extend to two years and shall also be liable to fine.

Penalty for failure to surrender in accordance with sub-section (*3*) of section 63.

144. Any person who having been appointed a Special Police officer under section 21 shall, without sufficient cause, neglect or refuse to serve as such or to obey any lawful order or direction that may be given to him for the performance of his duties, shall, on conviction, be punished with fine which may extend to fifty rupees.

Neglect or refusal to serve as Special Police officer.

145. (*1*) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a Police officer, or

(*2*) any Police officer who (*a*) is guilty of cowardice, or (*b*) resigns his office or withdraws himself from duties thereof in contravention of section 29, or (*c*) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which as such Police officer, it is his duty to observe or obey, or (*d*) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

Penalty for making false statement, etc., and for misconduct of Police officers.

shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Consequence of failure to return to duty after leave.

(*3*) A Police officer who being absent on leave fails, without reasonable cause, to report himself for duty on the expiration of such leave shall, for the purpose of clause (*b*) of sub-section (*2*), be deemed to withdraw himself from the duties of his office within the meaning of section 29.

Penalty for failure to deliver up certificate of appointment or of office or other article.

146. Any Police officer, who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (*1*) of section 30, shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Vexatious entry, search, arrest, etc., by Police officer.

147. Any Police officer who—

(*a*) without lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel, tent or place ;

(*b*) vexatiously and unnecessarily seizes the property of any person ;

(*c*) vexatiously and unnecessarily detains, searches or arrests any person ;

(*d*) offers any unnecessary persónal violence to any person in his custody, or

(*e*) holds out any threat or promise not warranted by law,

shall for every such offence, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

Penalty for vexatious delay in forwarding a person arrested.

148. Any Police officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

Penalty for opposing or not complying with direction given under section 70.

149. Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a Police officer under section 70 or abets opposition thereto or failure to comply therewith, shall, on conviction, be punished with imprisonment for a term which may extend to one year but shall not except for reasons to be recorded in writing be less than four months and shall also be liable to fine.

Jurisdiction when offender is a Police officer above the rank of constable.

150. Offences against this Act, when the accused person or any one of the accused persons is a Police officer above the rank of a constable, shall not be cognizable except by a Presidency Magistrate or a Magistrate not lower than a second class Magistrate.

Prosecution for certain offences against the Act to be in the discretion of the Police.

151. It will not, except in obedience to a rule or order made by the State Government or by the competent authority, be incumbent on the Police to prosecute for an offence punishable under section 117, 119, 131, 134, 137, 139, 140 or 144 when such offence has not occasioned serious mischief and has been promptly desisted from on warning given.

152. Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Act or from being prosecuted and punished under this Act for an offence punishable under any other enactment : Prosecution for offences under other enactments not affected.

Provided that all such cases shall be subject to the provisions of section 403 of the Code of Criminal Procedure, 1898. V of 1898.

CHAPTER VIII.

Miscellaneous.

153. All fees paid for licences or written permissions issued under this Act, and all sums paid for the service of processes by Police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police officers as informers, shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to any local authority, be credited to the State Government : Disposal of fees, rewards etc.

Provided that with the sanction of the State Government, or under any rule made by the State Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to a Police officer, or be divided amongst two or more Police officers.

154. No municipal or other local rates shall be payable by the State Government on account of the occupation or use of any house or place in any area other than Greater Bombay by members of the Police Force for the convenient performance of their duties. No municipal or other rates to be payable by State Government on Police-buildings.

155. Any order or notification published or issued by the State Government or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof, may be proved by the production of a copy thereof in the *Official Gazette*, or of a copy thereof signed by such Magistrate or officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of this Act applicable thereto. Method of proving orders and notifications.

156. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision of this Act or of any rule made under this Act, or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure. Rules and orders not invalidated by defect of form or irregularity in procedure.

157. Notwithstanding anything contained in any law for the time being in force, in a prosecution for an offence for the contravention of a direction issued under section 55, 56 or 57 on the production of an authentic copy of the order, it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed— Presumption in prosecutions for contravention of directions issued under section 55, 56, or 57.

(*a*) that the order was made by the authority competent under this Act to make it ;

(*b*) that the authority making the order was satisfied that the grounds on or the purpose for which it was made existed, and that it was necessary to make the same ; and

(*c*) that the order was otherwise valid and in conformity with the provisions of this Act.

Forfeiture of bond entered into by person permitted to enter or return to the area from which he was directed to remove himself.

158. If any person permitted under sub-section (*1*) of section 63 fails to observe any condition imposed under the said sub-section or in the bond entered into by him under sub-section (*2*) of the said section his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the Court why such penalty should not be paid.

No Magistrate or Police officer to be liable to penalty or damage for act done in good faith in pursuance of duty.

159. No Magistrate or Police officer shall be liable to any penalty or to payment of damages on account of an act done in good faith, in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or any other law for the time being in force or any rule, order or direction made or given therein.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

160. No public servant or person duly appointed or authorised shall be liable to any penalty or to payment of any damages for giving effect in good faith to any such order or direction issued with apparent authority by the State Government or by a person empowered in that behalf under this Act or any rule, order or direction made or given thereunder.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained, or to be dismissed, if not instituted within six months.

161. (*1*) In any case of alleged offence by the Commissioner, a Magistrate, Police officer or other person, or of a wrong alleged to have been done by such Commissioner, Magistrate, Police officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted, more than six months after the date of the act complained of.

In suits as aforesaid one month's notice of suit to be given with sufficient description of wrong complained of

(*2*) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrong-doer one month's notice at least of the intended suit with a sufficient description of the wrong complained of, failing which such suit shall be dismissed.

(*3*) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if any, what tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

Plaint to set forth service of notice and tender of amends.

162. (*1*) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which, and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the competent authority and such fee shall be charged therefor as is prescribed by any rule under this Act in that behalf.

Licences and written permissions to specify conditions, etc., and to be signed.

(*2*) Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority, if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates.

Revocation of licences, etc.

(*3*) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.

When licence revoked, etc. grantee to be deemed without licence.

(*4*) Every person to whom any such licence or written permission has been granted, shall, while the same remains in force, at all reasonable time, produce the same, if so required by a Police officer.

Grantee to produce licence, etc., when required.

Explanation.—For the purpose of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion by, or as the case may be, conviction of, the person to whom such licence or written permission has been granted.

163. Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums, or by advertising the same in such local newspapers,—English or regional language or Hindi,—as the said authority may deem fit, or by any two or more of these means and by any other means it may think suitable.

Public notices how to be given.

164. Whenever under this Act, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of a competent authority, a written document signed by a competent authority purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof.

Consent, etc., of a competent authority may be proved by writing under his signature.

165. Every licence, written permission, notice or other document, not being a summons or warrant or search warrant, required by this Act, or by any rule thereunder, to bear the signature of the Commissioner, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.

Signature on notices, etc., may be stamped.

166. (*1*) In the case of any rule or order made by the State Government under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any person interested to apply to the State Government by a memorial given to a Secretary to the State Government to annul, reverse or alter the rule or order aforesaid on the ground of its being unlawful, oppressive or unreasonable.

Persons interested may apply to State Government to annul, reverse or alter any rule or order.

When a suit shall lie to the District Court to declare a rule or order unlawful.

(2) After such an application as aforesaid and the rejection thereof wholly or in part or after the lapse of four months without an answer to such application or a decision thereon published by the State Government, it shall be competent to the person interested and deeming the rule or order contrary to law to institute a suit against the State for a declaration that the rule or order is unlawful either wholly or in part. The decision in such suit shall be subject to appeal ; and a rule or order finally adjudged to be unlawful shall by the State Government be annulled or reversed or so altered as to make it conformable to law.

Repeal and saving.

167. (1) The enactments specified in Schedule I are hereby repealed :

Provided that—

(i) All rules prescribed, appointments made, powers conferred, orders made or passed, directions and certificates issued, consent, permit, permission or licences given, summons or warrants issued or served, persons arrested or detained or discharged on bail or bond, search warrants issued, bond forfeited, penalty incurred under any such enactment shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred, given, passed, served, arrested, detained, discharged, forfeited and incurred thereunder.

(ii) All references made in any Bombay Act to any of the Acts hereby repealed shall be read as if made to the corresponding provision of this Act.

(2) Nothing in sub-section (1) shall be deemed to affect—

(a) the validity, invalidity, effect or consequence of anything done or suffered to be done in an area before the date on which the provisions of this Act come into force in such area ;

(b) any right, privilege, obligation or liability already acquired, accrued or incurred before such date ;

(c) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such date ;

(d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment ;

(e) any legal proceeding pending in any Court or before any officer on the afore said date or anything done or suffered to be done in the course of such proceedings ; and any such proceeding or any appeal or revisional proceedings arising out of such proceeding shall be instituted, continued or disposed of, as the case may be, as if this Act had not come into force.

(3) The enactment specified in Schedule III in its application to the State of Bombay, is hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Saving of Bombay Village Police Act and enactments relating to reserve Police.

168. Nothing in this Act shall affect the provisions of the Bombay Village Police Act, 1867, or any enactment which may be made in regard to the reserve Police. Bom. VIII of 1867.

SCHEDULE I.

[*See* Sections 3 and 5 and sub-section (1) of section 167.]

Year.	No.	Short title.
1	2	3
1890	IV	The Bombay District Police Act, 1890.
1902 . .	IV	The City of Bombay Police Act, 1902.
1949 . ..	XVI	The Police Forces (Control and Direction) Act, 1949.

SCHEDULE II.

(*See* section 14.)

CERTIFICATE

OF

APPOINTMENT IN THE POLICE FORCE.

No. .....

STATE OF BOMBAY.

Certificate of Appointment issued under the Bombay Police Act of 1951 .....
.....
Act of 1861.

(Photograph to be affixed in the case of Inspectors and Sub-Inspectors.)

Mr.....
has been appointed as ..... and is invested with the powers, functions and privileges of a Police officer under the Bombay Police Act of 1951

Act V of 1861

Greater Bombay

In the Bombay District Police

Railway Police.

On the ..... day of ..... 19 .

Signature.....

Designation.....

SCHEDULE III.

[*See* sub-section (3) of section 167]

Year.	No.	Short title.	Amendment.
1	2	3	4
1898	V	Code of Criminal Procedure.	In clause (*a*) of sub-section (2) of section 1 of the Act— (*i*) for the words "towns of Calcutta, Madras and Bombay", the words "towns of Calcutta and Madras" shall be substituted; (*ii*) for the words "towns of Calcutta and Bombay" the words "town of Calcutta" shall be substituted.

THE BOMBAY SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS ACT, 1951.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.

2. Amendments to enactments.

3. Amendments not to render invalid notifications, orders, etc., issued before commencement of Act.

4. Saving.

SCHEDULE.

BOMBAY ACT No. XXIII OF 1951.[1]

[THE BOMBAY SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS ACT, 1951.]

[*5th July 1951*]

An Act to provide for the separation of judicial and executive functions in the State of Bombay.

WHEREAS it is expedient to provide for the separation of the performance of judicial and executive functions by officers in the State of Bombay ; It is hereby enacted as follows :—

1. (*1*) This Act may be called the Bombay Separation of Judicial and Executive Functions Act, 1951. Short title, extent and commencement.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

2. The Central Acts specified in Parts I and II of the Schedule appended to this Act (hereinafter called the Schedule) in their application to the State of Bombay and the Bombay Acts specified in Part III of the Schedule are hereby amended to the extent mentioned in the fourth column of the Schedule. Amendments to enactments.

3. The provisions of this Act which amend any Act specified in the Schedule so as to alter the manner in which, the authority by which, or the law under or in accordance with which, any powers are exercisable, shall not render invalid any notification, order, commitment, attachment, by-law, rule or regulation duly made or issued or anything duly done before the commencement of this Act ; and any such notification, order, commitment, attachment, by-law, rule or regulation or thing may be revoked, varied or undone in the like manner, to the like extent and in the like circumstances, as if it had been done after the commencement of this Act by the competent authority and in accordance with the provisions then applicable to such a case. Amendments not to render invalid notifications, orders, etc., issued before commencement of Act.

4. Nothing in this Act shall be deemed to affect— Saving.

(*a*) the validity, invalidity, effect or consequence of anything done or suffered to be done in an area before the date on which the provisions of this Act come into force in such area ;

(*b*) any right, privilege, obligation or liability already acquired, accrued or incurred before such date ;

(*c*) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such date ;

(*d*) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment ;

(*e*) any legal proceeding pending in any Court or before any officer on the aforesaid date or anything done or suffered to be done in the course of such proceeding ; and any such proceeding or any appeal or revisional proceedings arising out of such proceeding shall be instituted, continued or disposed of, as the case may be, as if this Act had not come into force.

[1]For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951, Part V, pp. 28-29 ; for Report of the Select Committee, *see ibid.*

SCHEDULE.

(*See* section 2.)

PART I.—THE CODE OF CRIMINAL PROCEDURE, 1898.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898.	1. For section 6, the following shall be substituted, namely :— "6. Besides the High Court and the Courts constituted under any law other than this Code for the time being in force, there shall be two classes of Criminal Courts in the State of Bombay, namely :— I.—Courts of Session. II.—Courts of Magistrates." Classes of Criminal Courts. 2. After section 6, the following shall be inserted, namely :— "*A-1. Classes of Magistrates.* 6-A. There shall be the following classes of Magistrates, namely :— Classes of Magistrates. *I. Judicial Magistrates.* (1) Presidency Magistrates. (2) Magistrates of the first class. (3) Magistrates of the second class. (4) Magistrates of the third class. (5) Special Judicial Magistrates. *II. Executive Magistrates.* (1) District Magistrates. (2) Sub-Divisional Magistrates. (3) Taluka Magistrates. (4) Presidency Magistrates specially empowered by the State Government. (5) Special Executive Magistrates." 3. For section 7, the following shall be substituted, namely :— "7. (*1*) The State of Bombay shall consist of Sessions divisions; and every sessions division shall for the purposes of this Code, be a district or consist of districts. Sessions divisions and Districts. (*2*) For the purposes of this Code, Greater Bombay shall be a sessions division and be deemed to be a district. (*3*) The State Government may alter the limits or the number of such divisions and districts. (*4*) The sessions divisions and districts existing when the Bombay Separation of Judicial and Executive Functions Act, 1951, comes into force shall be sessions divisions and districts respectively, unless and until they are so altered." Bom. XXIII of 1951.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	4. In section 8, in sub-section (*1*), for the words "outside the presidency-towns" the words "outside Greater Bombay" shall be substituted.

5. In section 9,—

(*i*) in sub-section (*1*), after the words "sessions division, and" the words "in consultation with the High Court" shall be inserted ;

(*ii*) in sub-section (*3*), after the words "may also" the words "in consultation with the High Court" shall be inserted ;

(*iii*) in sub-section (*4*), after the words "sessions division may" the words "in consultation with the High Court" shall be inserted.

6. In section 10,—

(*i*) in sub-section (*1*),—

(*a*) for the words "outside the presidency-towns" the words "outside Greater Bombay" shall be substituted ;

(*b*) the words "Magistrate of the first class, who shall be called the" shall be deleted ;

(*ii*) in sub-section (*2*), the words "any Magistrate of the first class to be" shall be deleted ;

(*iii*) sub-section (*3*) shall be deleted.

7. In section 12,—

(*i*) in sub-section (*1*),—

(*a*) the words "besides the District Magistrate" shall be deleted ;

(*b*) for the words "outside the presidency-towns" the words "outside Greater Bombay" shall be substituted ;

(*c*) the words "the State Government or the District Magistrate, subject to the control of the State Government" shall be deleted ;

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	(*ii*) after sub-section (*1*), the following sub-section shall be inserted, namely :— "(*1-A*) The power of appointment of Magistrates under sub-section (*1*) shall on the issue of public notification under article 237 of the Constitution, be exercised subject to the terms of the said notification." ; (*iii*) for the marginal note to the said section, the following shall be substituted, namely :— "Judicial Magistrates." 8. In section 13,— (*i*) in sub-section (*1*), the words "of the first or second class" shall be deleted and after the words "sub-division" the words "or a taluka" shall be inserted ; (*ii*) in sub-section (*2*), after the words "Sub-divisional Magistrates" the words "or Taluka Magistrates, as the case may be" shall be added ; (*iii*) in the marginal note to the said section, the words "or taluka" shall be added. 9. For section 14, the following shall be substituted, namely :— "14. (*1*) The State Government may, in consultation with the High Court, confer upon any person al or any of the powers conferred or conferrable by or under this Code on a Judicial Magistrate in respect to particular cases or to a particular class or classes of cases, or in regard to cases generally in any local area. Such Magistrates shall be called Special Judicial Magistrates and shall be appointed for such term as the State Government may in consultation with the High Court by general or special order direct. Special Magistrates. (*2*) The State Government may also appoint Executive Magistrates for particular areas or for the performance of particular functions and confer upon them such powers as it deems fit. Such Magistrates

ear.	No.	Short title.	Extent of amendment.
1	2	3	4
898	V	Code of Criminal Procedure, 1898—*contd.*	shall be called Special Executive Magistrates and shall be appointed for such term as the State Government may by general or special order direct: Provided that no powers shall be conferred under this sub-section on any police officer below the grade of Assistant Superintendent and no powers shall be conferred on a police officer except so far as may be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to their being brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force. (*3*) The State Government may delegate, with such limitations as it may think fit, to any other officer under its control the powers conferred by sub-section (*2*)." 10. In section 15, in sub-section (*1*), for the words "The State Government may direct any two or more Magistrates in any place outside the presidency-towns" the words "The State Government may, in consultation with the High Court, direct any two or more Judicial Magistrates in any place outside Greater Bombay" shall be substituted. 11. In section 16, for the words "The State Government may, or, subject to the control of the State Government, the District Magistrate" the words "The High Court, subject to the sanction of the State Government" shall be substituted. 12. In section 17,— (*i*) in sub-section (*1*),— (*a*) for the words "All Magistrates" the words "All Judicial Magistrates" shall be substituted; (*b*) the figures ",13" shall be deleted; (*c*) for the words "District Magistrate" the words "Sessions Judge" shall be substituted; (*d*) the word "and" at the end shall be deleted; (*ii*) sub-section (*2*) and sub-section (*5*) shall be deleted;

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	(*iii*) in the marginal note to the said section, for the word "Magistrates" the words "Judicial Magistrates" and for the words "District Magistrate" the words "Sessions Judge" shall be substituted.

13. After section 17, the following sections shall be inserted, namely :—

Subordination of Executive Magistrates to District Magistrate.

"17A. All Executive Magistrates appointed under sections 13 and 14 shall be subordinate to the District Magistrate.

Inferior Criminal Courts.

17B. Courts of Session and Courts of Magistrates (including Courts of Presidency Magistrates) shall be Criminal Courts inferior to the High Court and Courts of Magistrates outside Greater Bombay shall be Criminal Courts inferior to the Court of Session."

14. In section 18, after sub-section (*4*) the following sub-section shall be added, namely :—

"(*5*) The power of appointment of the Chief Presidency Magistrate and the Additional Chief Presidency Magistrate shall be exercised in consultation with the High Court and the power of appointment of other Presidency Magistrates shall on the issue of public notification under article 237 of the Constitution, be exercised subject to the terms of the said notification."

15. In section 29B,—

(*i*) the words "a District Magistrate or" shall be deleted ;

(*ii*) for the words "by any Magistrate specially empowered by the State Government" the words "by any Judicial Magistrate specially empowered by the State Government in consultation with the High Court" shall be substituted.

16. In section 36, for the words "District Magistrates, Sub-divisional Magistrates and Magistrates of the first, second and third classes" the words "Judicial and Executive Magistrates other than Special Judicial and Executive Magistrates" shall be substituted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	17. For section 37, the following shall be substituted, namely :— "37. In addition to his ordinary powers, the State Government may invest any Magistrate with the powers as specified in the fourth Schedule : Additional powers conferrable on Magistrates. Provided that in the case of Judicial Magistrates such powers shall be conferred in consultation with the High Court : Provided further that the State Government may authorise a District Magistrate to invest any Magistrate subordinate to him with any of the powers specified in Part II of the fourth Schedule." 18. In section 38, for the words "conferred on" the words "delegated to" shall be substituted. 19. After section 38, the following section shall be inserted, namely :— "38A. Whenever under any provisions of this Code or of any law for the time being in force relating to any of the matters specified in Lists II and III of the Seventh Schedule to the Constitution any judicial powers are to be conferred on a Sessions Judge, an Additional or Assistant Sessions Judge or a Judicial Magistrate or any such Magistrate is to be specially empowered to exercise such powers, the orders conferring such powers or empowering the exercise of such powers shall be made by the State Government in consultation with the High Court notwithstanding that such provision may not expressly provide for such consultation. Powers on Judicial Magistrates to be conferred in consultation with the High Court. *Explanation.*—For the purposes of this section, the question whether any powers are judicial shall be decided by the State Government in consultation with the High Court and such decision shall be final."

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	20. In section 41, to sub-section (*1*) the following proviso shall be added, namely :— "Provided that in the case of Judicial Magistrates the withdrawal of such powers shall be made in consultation with the High Court."
			21. In section 57, in sub-section (*2*), for the words "before a Magistrate if so required" the words "before a Magistrate having jurisdiction if so required" shall be substituted.
			22. In section 63, for the words "special order of a Magistrate" the words "special order of a Magistrate having jurisdiction" shall be substituted.
			23. In section 78, in sub-section (*1*), after the words "or Sub-divisional Magistrate" the words "or Magistrate of the first class" shall be inserted.
			24. In section 88, in sub-section (*6C*), the words beginning with the words "of the first" and ending with the words "may be" shall be deleted.
			25. In section 94, in sub-section (*1*) for the words "beyond the limits of the towns of Calcutta and Bombay" the words "beyond the limits of Greater Bombay" shall be substituted.
			26. In section 106, in sub-section (*1*), the words "a District Magistrate, a Sub-divisional Magistrate" shall be deleted.
			27. In section 107, in sub-section (*1*), for the words "Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class" the following shall be substituted, namely :— "Presidency Magistrate specially empowered by the State Government in this behalf or a District Magistrate or Sub-divisional Magistrate or a Taluka Magistrate specially empowered by the State Government in this behalf".

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	28. In section 108, for the words "or a Presidency Magistrate, or Magistrate of the first class" the words "or Sub-divisional Magistrate or a Presidency Magistrate" shall be substituted.
			29. In section 109, for the words "Presidency Magistrate, District Magistrate, Sub-Divisional Magistrate or Magistrate of the first class" the words "Presidency Magistrate specially empowered by the State Government in this behalf, or a District Magistrate or a Sub-divisional Magistrate" shall be substituted.
			30. In section 110, for the words "Presidency Magistrate, District Magistrate, or Sub-Divisional Magistrate or a Magistrate of the first class specially empowered in this behalf by the State Government" the words "Presidency Magistrate specially empowered by the State Government in this behalf, or a District Magistrate or a Sub-divisional Magistrate" shall be substituted.
			31. In section 126,— (*i*) In sub-section (*1*), for the words beginning with the words "to a Presidency Magistrate" and ending with the words "first class" the words "to the Court by which an order was made to give security" shall be substituted; (*ii*) for sub-section (*2*), the following shall be substituted, namely:— "(*2*) On such application being made, the Court shall issue summons or warrant, as it may think fit, requiring the person for whom such surety is bound to appear or to be brought before it."
			32. In section 133, in sub-section (*1*),— (*i*) for the words "District Magistrate, a Sub-divisional Magistrate or a Magistrate of the first class" the words "Presidency Magistrate specially empowered by the State Government in this behalf or a District Magistrate or a Sub-divisional Magistrate" shall be substituted; (*ii*) in the last paragraph for the words "to appear before himself or some other Magistrate of the first or second class" the words "to appear before himself or some other Executive Magistrate" shall be substituted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	33. In section 143, for the words "A District Magistrate or Sub-divisional Magistrate, or any other Magistrate empowered by the State Government or the District Magistrate in this behalf" the words "A Presidency Magistrate specially empowered by the State Government in this behalf or a District Magistrate or a Sub-divisional Magistrate or any Executive Magistrate empowered either by the State Government or the District Magistrate in this behalf" shall be substituted. 34. In section 144, in sub-section (*1*), for the words and brackets "or of any other Magistrate (not being a Magistrate of the third class)" the words "or of any other Executive Magistrate" shall be substituted. 35. In section 145, in sub-section (*1*), for the words "or Magistrate of the first class" the words "or any other Executive Magistrate specially empowered by the State Government in this behalf" shall be substituted. 36. In section 147, in sub-section (*1*), for the words "or Magistrate of the first class" the words "or any other Executive Magistrate specially empowered by the State Government in this behalf" shall be substituted. 37. In section 164, in sub-section (*1*), for the words "Any Presidency Magistrate, any Magistrate of the first class and any Magistrate of the second class specially empowered in this behalf by the State Government" the words "Any Presidency Magistrate, any District Magistrate, any Sub-divisional Magistrate, any Magistrate of the first class or any other Magistrate specially empowered by the State Government in this behalf" shall be substituted. 38. In section 167,— (*i*) in sub-section (*1*), for the words "the nearest Magistrate" the words "the nearest Judicial Magistrate" shall be substituted;

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	(*ii*) for sub-section (*4*), the following shall be substituted, namely :— "(*4*) Any Magistrate giving such order shall forward a copy of his order, with his reasons for making it, to the Sessions Judge."

39. In section 170, sub-section (*3*) shall be deleted.

40. In section 174, in sub-section (*5*), for the words "or Magistrate of the first class and any Magistrate" the words "or any Executive Magistrate" shall be substituted.

41. In section 186, in sub-section (*1*), for the words "a District Magistrate, a Sub-divisional Magistrate, or if he is specially empowered in this behalf by the State Government, a Magistrate of the first class" the words "or a Magistrate of the first class specially empowered in this behalf by the State Government in consultation with the High Court" shall be substituted.

42. In section 187, in sub-section (*1*), for the words "by a Magistrate other than a Presidency Magistrate or District Magistrate, such Magistrate shall send the person arrested to the District or Sub-divisional Magistrate" the words "the Magistrate issuing the warrant shall send the person arrested to the Sessions Judge" shall be substituted.

43. In section 190,—

(*i*) in sub-section (*1*),

(*a*) the words "District Magistrate or Sub-divisional Magistrate" shall be deleted;

(*b*) for the words "any other" the words "any Judicial" shall be substituted;

(*c*) after the words "in this behalf" the words "by the State Government in consultation with the High Court" shall be inserted;

(*ii*) in sub-section (*2*), the words ", or the District Magistrate subject to the general or special orders of the State Government," shall be deleted;

(*iii*) in sub-section (*3*), after the words "the State Government may" the words "in consultation with the High Court" shall be inserted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	44. In section 192,— (*i*) in sub-section (*1*), the words ", District Magistrate or Sub-divisional Magistrate" shall be deleted; (*ii*) in sub-section (*2*),— (*a*) for the words "any District Magistrate" the words "A Sessions Judge" shall be substituted; (*b*) for the words "in his district" the words "in the sessions division" shall be substituted. 45. In section 193, in sub-section (*2*), after the words "the State Government" the words "in consultation with the High Court" shall be inserted. 46. In section 206, in sub-section (*1*),— (*i*) the words "District Magistrate, Sub-divisional Magistrate" shall be deleted; (*ii*) after the words "State Government" the words "in consultation with the High Court" shall be inserted. 47. In section 249, for the words "or with the previous sanction of the District Magistrate, any other Magistrate" the words "or any other Judicial Magistrate specially empowered in this behalf by the State Government in consultation with the High Court" shall be substituted. 48. In section 260, in sub-section (*1*),— (*i*) the clause "(*a*) the District Magistrate," shall be deleted; (*ii*) in clauses (*b*) and (*c*) after the words "State Government" the words "in consultation with the High Court" shall be inserted. 49. In section 261, after the words "The State Government may" the words "in consultation with the High Court" shall be inserted. 50. In section 265, in sub-section (*2*), after the words "The State Government may" the words "in consultation with the High Court" shall be inserted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898— *contd.*	51. In section 269, in sub-section (*1*), after the words "The State Government may" the words "in consultation with the High Court" shall be inserted.
			52. In section 337, in the proviso to sub-section (*1*), the words "other than the District Magistrate" shall be deleted, and for the words "sanction of the District Magistrate" the words "sanction of the Sessions Judge" shall be substituted.
			53. In section 346, in sub-section (*1*),— (*i*) for the words "outside the presidency-towns" the words "outside Greater Bombay" shall be substituted; (*ii*) after the words "District Magistrate" the words "or Sessions Judge, as the case may be," shall be inserted.
			54. In section 349,— (*i*) in sub-section (*1*), for the words "to the District Magistrate or Sub-Divisional Magistrate to whom he is subordinate" the words "to a Magistrate of the first class specially empowered in this behalf by the State Government in consultation with the High Court" shall be substituted; (*ii*) in sub-section (*1A*), for the words "the District Magistrate or Sub-divisional Magistrate" the words, brackets and figure "the Magistrate empowered under sub-section (*1*)" shall be substituted.
			55. In section 350, in proviso (*b*) to sub-section (*1*), for the words "subordinate to the District Magistrate, the District Magistrate" the words "the Court of Session" shall be substituted; and the words "or District Magistrate" shall be deleted.
			56. In section 380, the words "or a Sub-divisional Magistrate" shall be deleted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	57. In section 407,— (*i*) in sub-section (*1*),— (*a*) the word "sub-divisional" shall be deleted; (*b*) for the words "District Magistrate" the words "Court of Session" shall be substituted; (*ii*) in sub-section (*2*),— (*a*) for the words "District Magistrate", wherever they occur, the words "Sessions Judge" shall be substituted; (*b*) after the words "State Government" the words "in consultation with the High Court" shall be inserted. 58. In section 408, for the words, "a District Magistrate or other" the words "or a" shall be substituted. 59. In section 413, for the words "District Magistrate or other" the letter "a" shall be substituted. 60. In section 428, in sub-section (*1*), for the words "by a Magistrate" the words "by a Judicial Magistrate" shall be substituted. 61. In section 435,— (*i*) in sub-section (*1*), the words "or District Magistrate, or any Sub-divisional Magistrate empowered by the State Government in this behalf," and the Explanation to the said sub-section shall be deleted; (*ii*) for sub-sections (*2*) and (*4*), the following shall be substituted, namely :— "(*2*) The District Magistrate or any Sub-divisional Magistrate empowered by the State Government in this behalf, may call for and examine the record of any proceedings before any Subordinate Executive Magistrate for the purpose of satisfying himself as to the correctness, legality or propriety of any order recorded or passed and as to the regularity of any proceedings of such Subordinate Magistrate and may, when calling for such record, direct that the execution of any order be suspended and if the person is in confinement that he be released on bail on his own bond pending the examination of the record.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	(*3*) If any Sub-divisional Magistrate acting under sub-section (*2*) considers that any such proceeding or order is illegal or improper he shall forward the record with such remarks thereon as he thinks fit to the District Magistrate. (*4*) The High Court may call for and examine the record of any proceeding under section 143, 144 or 145, notwithstanding the fact that such proceeding was before an Executive Magistrate."

62. In section 436,—

(*i*) the said section shall be renumbered as sub-section (*1*) of that section;

(*ii*) in sub-section (*1*) so renumbered for the words "the District Magistrate by himself or by any of the Magistrates subordinate to him, to make, and the District Magistrate may himself make, or direct any subordinate Magistrate to make" the words "the Judicial Magistrate to make," shall be substituted;

(*iii*) the following new sub-section shall be added, namely :—

"(*2*) On examining any record under section 435 or otherwise, the District Magistrate may direct any Sub-Divisional Magistrate or any other Executive Magistrate subordinate to him to make, and the Sub-divisional Magistrate may himself make or direct any subordinate Magistrate to make, further inquiry into any proceedings:

Provided that no District Magistrate shall make any direction under this section for further inquiry into the case of any person unless such person has had an opportunity of showing cause why such direction should not be made."

63. In section 437, the words "or District Magistrate" and the words "or Magistrate", wherever they occur, shall be deleted.

64. In section 438, the words "or District Magistrate" shall be deleted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	65. In section 479, the words " , District Magistrate " shall be deleted.
			66. In section 488, in sub-section (*1*), the words " , the District Magistrate, " and the words " , a Sub-divisional Magistrate " shall be deleted.
			67. In section 506—
			(*i*) for the words " such Magistrate, shall apply to the District Magistrate " the following shall be substituted, namely :—
			" such Magistrate, if he is a Judicial Magistrate shall apply to the Sessions Judge and if he is an Executive Magistrate shall apply to the District Magistrate, " ;
			(*ii*) for the words " and the District Magistrate " the words " and the Sessions Judge or the District Magistrate, as the case may be," shall be substituted.
			68. For section 515, the following shall be substituted, namely :—
			Appeal from, and revision of, orders under section 514.
			" 515. All orders passed under section 514 by an Executive Magistrate other than the District Magistrate shall be appealable to the District Magistrate and by a Judicial Magistrate other than a Presidency Magistrate to the Sessions Judge and if no appeal is made against such orders they may be revised in the case of the orders passed by an Executive Magistrate by the District Magistrate and in the case of the orders passed by a Judicial Magistrate by the Sessions Judge."
			69. In section 524, in sub-section (*1*), for the words " of a Magistrate of the first class " the words " of an Executive Magistrate " shall be substituted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	70. In section 528, in sub-section (*2*)— (*i*) for the words "District Magistrate or Sub-Divisional Magistrate" the words "or Sessions Judge" shall be substituted; (*ii*) in the marginal note to the said sub-section, for the words "District or Sub-divisional Magistrate" the words "Chief Presidency Magistrate or Sessions Judge" shall be substituted. 71. In section 559, in sub-section (*2*), for the words "the District Magistrate outside such towns," the words "outside such towns, the Sessions Judge in the case of Judicial Magistrates and the District Magistrate in the case of Executive Magistrates," shall be substituted. 72. In section 561, for the words "District Magistrate", wherever they occur, the words "a Magistrate of the first class" shall be substituted. 73. In section 562, in the proviso to sub-section (*1*), the words "or Sub-divisional Magistrate" shall be deleted. 74. In section 565, in sub-section (*1*), the words "District Magistrate, Sub-divisional Magistrate" shall be deleted. 75. In Schedule II, in column 8,— (*i*) for the words "Any Magistrate", wherever they occur, the words "Any Judicial Magistrate" shall be substituted; (*ii*) in the entry relating to section 124-A, the words "or District Magistrate" shall be deleted and after the words "in that behalf" the words "in consultation with the High Court" shall be inserted; (*iii*) in the entry relating to section 376, for the words "District Magistrate" the words "Magistrate of the first class" shall be substituted. 76. In Schedule III,— (*a*) In Part I, in item (17), for the words "District Magistrate" the words "Sessions Judge" shall be substituted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	(*b*) In Part III,— (*i*) after item (1) the following shall be inserted, namely :— (1a) Power to direct warrants to landholders, section 78 ; (*ii*) items (4), (5), (6), (6*a*), (7) and (7*b*) shall be deleted. (*c*) after Part III the following shall be inserted, namely :— "*III-A—Ordinary powers of a Taluka Magistrate.* (1) Power to arrest or direct the arrest of, and to commit to custody a person committing an offence in his presence, section 64. (2) Power to arrest, or direct the arrest, in his presence of an offender, section 65. (3) Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant, sections 83, 84 and 85. (4) Power to require search to be made for letters and telegrams, section 95. (5) Power to issue search warrant, section 96. (6) Power to endorse a search warrant and order delivery of things found, section 99. (7) Power to command unlawful assembly to disperse, section 127. (8) Power to use civil force to disperse unlawful assembly, section 128. (9) Power to require military force to be used to disperse unlawful assembly, section 130. (10) Power to apply to District Magistrate to issue commission for examination of witness, section 506. (11) Power to recover penalty on forfeited bond, section 514 and to require fresh security, section 514-A. (12) Power to make order as to disposal of property, section 517. (13) Power to sell property of a suspected character, section 525."

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	(*d*) In Part IV,— (*i*) for item (1), the following shall be substituted, namely :— "(1) The ordinary powers of a Taluka Magistrate;" (*ii*) after item (2), the following shall be inserted, namely : "(2*a*) Power to issue search warrant otherwise than in course of an inquiry, section 98. (2*b*) Power to issue search warrant for discovery of persons wrongfully confined, section 100. (2*c*) Power to require security to keep the peace, section 107. (2*d*) Power to require security for good behaviour, section 109."; (*iii*) after item (3), the following shall be inserted, namely :— "(4) Power to discharge sureties, section 126A. (4*a*) Power to make orders as to local nuisances, section 133."; (*iv*) after item (6), the following shall be inserted, namely :— "(6*a*) Power to make orders etc. in possession cases, sections 145, 146 and 147."; (*v*) after item (8), the following shall be inserted, namely :— "(8*a*) Power to record statements and confessions during a police investigation, section 164."; (*vi*) after item (9), the following shall be inserted, namely :— "(10) Power to hold inquests, section 174."; (*vii*) items (12) to (16) (both inclusive) shall be deleted; (*viii*) item (19) shall be deleted; (*e*) in Part V, items (1*a*), (7), (8), (10), (12), (13) and (14) shall be deleted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	77. For Schedule IV, the following shall be substituted, namely :—

"SCHEDULE IV.

(*See* section 37.)

Additional powers with which Magistrates may be invested.

PART I.—By State Government.

Powers with which a Magistrate of the First Class may be invested.

1. Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186 ;
2. Power to take cognisance of offences upon complaint, section 190 ;
3. Power to take cognisance of offences upon police reports, section 190 ;
4. Power to take cognisance of offences without complaint, section 190 ;
5. Power to transfer cases, section 192 ;
6. Power to try summarily, section 260 ;
7. Power to pass sentence on proceedings recorded by a Magistrate of the Second and Third Class, section 349 ;
8. Power to hear appeals from conviction by Magistrate of the Second and Third Class, section 407;
9. Power to try cases under section 124-A of the Indian Penal Code.

Powers with which a Magistrate of the Second Class may be invested.

1. Power to record statements and confessions during a police investigation, section 164 ;
2. Power to authorise detention of a person in the custody of the police during a police investigation, section 167 ;
3. Power to take cognisance of offences upon complaint, section 190 ;
4. Power to take cognisance of offences upon police reports, section 190 ;

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*concld.*	5. Power to take cognisance of offences without complaint, section 190; 6. Power to commit for trial, section 206; 7. Power to stop proceedings instituted otherwise than upon complaint, section 249; 8. Power to make order as to first offenders, section 562. *Powers with which a Magistrate of the Third Class may be invested.* 1. Power to record statement and confessions during a police investigation, section 164; 2. Power to take cognisance of offences upon complaint, section 190; 3. Power to take cognisance of offences upon police report, section 190; 4. Power to stop proceedings instituted otherwise than upon complaint, section 249. PART II.—By State Government. *Powers with which a Sub-divisional Magistrate may be invested.* 1. Power to call for records, section 435. *Powers with which any other Executive Magistrate may be invested.* 1. Power to make orders prohibiting repetitions of nuisances, section 143; 2. Power to make orders under section 144; 3. Power to make orders, etc., in possession cases, sections 145 and 147; 4. Power to record statements and confessions during a police investigation, section 164; 5. Power to hold inquests, section 174; 6. Power to sell property alleged or suspected to have been stolen, etc., section 524. By District Magistrate. *Powers with which any Executive Magistrate may be invested.* 1. Power to make orders prohibiting repetitions of nuisances, section 143; 2. Power to make orders under section 144; 3. Power to hold inquests, section 174."

PART II—OTHER CENTRAL ACTS.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1889	I	The Metal Tokens Act, 1889.	In section 5, in sub-section (*2*), the words "except a District Magistrate or Sub-Divisional Magistrate," shall be deleted.
1894	IX	The Prisons Act, 1894.	In section 52,— (*i*) the words "of the District Magistrate or" shall be deleted; (*ii*) in the first proviso, the words "by the District Magistrate to any Magistrate of the first class and" shall be deleted.
1897	VIII	The Reformatory Schools Act, 1897.	1. In section 8, in sub-section (*2*), for the words "by the State Government in this behalf" the words "by the State Government in this behalf in consultation with the High Court" shall be substituted. 2. In section 9, in sub-section (*1*), for the words "the District Magistrate to whom he is subordinate" the words, brackets and figures "the Magistrate specially empowered under sub-section (*2*) of section 8" shall be substituted. 3. In section 10, for the words "District Magistrate" the words, brackets and figures "Magistrate specially empowered under sub-section (*2*) of section 8" shall be substituted. 4. In section 11, in sub-section (*2*), for the words "District Magistrate" the words "Magistrate specially empowered" shall be substituted. 5. In section 31,— (*i*) in sub-section (*4*) for the words "the District Magistrate to whom such Court is subordinate" the words, brackets and figures "the Magistrate specially empowered under sub-section (*2*) of section 8" shall be substituted; (*ii*) in sub-section (*5*), the word "District" shall be deleted.
1900	III	The Prisoners Act, 1900.	In section 37, for the words "District Magistrate" the words "Sessions Judge" shall be substituted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1911	X	The Prevention of Seditious Meetings Act, 1911.	In section 8, the words "or Sub-divisional Magistrate" shall be deleted.
1917	I	The Inland Steam-vessels Act, 1917.	1. In section 33, in clause (*b*) of sub-section (*1*), the words "or the Court of any District Magistrate" shall be deleted. 2. In section 35, in sub-section (*1*), the words "or the Court of the District Magistrate," shall be deleted. 3. In section 38, in clause (*b*), the words "or the Court of the District Magistrate" shall be deleted and for the words "respectively by either Court" the words "by it" shall be substituted.
1923	IX	The Indian Official Secrets Act, 1923.	In section 13, in sub-section (*1*), after the words "Government" the words "or that of a Presidency Magistrate" shall be inserted and the words "which is inferior to that of a District or Presidency Magistrate" shall be deleted.
1927	XVI	The Indian Forest Act, 1927.	In section 67, after the words "The District Magistrate or any Magistrate of the first class specially empowered in this behalf by the State Government" the words "any Magistrate of the first class specially empowered in this behalf by the State Government in consultation with the High Court," shall be substituted.

PART III—BOMBAY ACTS.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1867	VII	The Bombay District Police Act, 1867.	In section 34, for the words "a Magistrate of the first class" the words "the District Magistrate or any magistrate specially empowered in this behalf by the State Government" shall be substituted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1867	VIII	The Bombay Village Police Act, 1867.	1. In section 1, the following paragraph shall be added, namely :— "The term 'Executive Magistrate' when used in this Act has the meaning assigned to it in the Code of Criminal Procedure, 1898." V of 1898. 2. In section 6, for the words "the Magistrate", where they occur for the second time, the words ",any other executive Magistrate" shall be substituted. 3. In section 8, for the words "the Magistrate" the words "the Executive Magistrate" shall be substituted. 4. In sections 9 and 9A, for the words "any Magistrate of the first class" and "Any Magistrate of the first class" the words 'the Magistrate of the District" and "The Magistrate of the District" shall, respectively, be substituted. 5. In sections 19 and 21, for the words "the Magistrate" the words "the Executive Magistrate" shall be substituted.
1889	I	The Bombay Village Sanitation Act, 1889.	In section 15, in sub-section (*1*), for the words beginning with the words "or other" and ending with the words "in this behalf" the words "or any Magistrate of the first class specially empowered in this behalf by the State Government in consultation with the High Court" shall be substituted.
1929	XVIII	The Bombay Borstal Schools Act, 1929.	1. In section 8, the words "a District Magistrate, a sub-divisional Magistrate" shall be deleted. 2. In section 9, for the words "District Magistrate", wherever they occur, the words "Magistrate of the first class" shall be substituted.
1933	VI	The Bombay Village Panchayats Act, 1933.	1. In section 77,— (*i*) in sub-section (*1*), for the words "District Magistrate" the words "Sessions Court" shall be substituted ; (*ii*) in sub-section (*2*),— (*a*) for the words "District Court or District Magistrate" the words "District or Sessions Court" shall be substituted ; (*b*) the words "or Magistrate" shall be deleted ;

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1933	VI	The Bombay Village Panchayats Act, 1933 —*contd.*	(*iii*) in sub-section (*3*),— (*a*) for the words "District Court or District Magistrate" the words "District or Sessions Court" shall be substituted; (*b*) the words "or Magistrate" shall be deleted; (*iv*) in the marginal note to the said section, for the words "District Magistrate" the words "Sessions Court" shall be substituted. 2. In sections 78, 79, 87, 87A and 87B and in the marginal notes to sections 87, 87A and 87B, for the words "District Magistrate", wherever they occur, the words "Sessions Court" shall be substituted.
1938	XIX	The Bombay Probation of Offenders Act, 1938.	In section 3, in sub-section (*1*), clauses (*c*) and (*d*) shall be deleted.
1947	LI	The Bombay Habitual Offenders Restriction Act, 1947.	In section 13,— (*i*) in clause (*i*), for the words "by a Magistrate" the words "by an Executive Magistrate" shall be substituted; (*ii*) in clause (*ii*), after the words "made by" the words "a Judicial Magistrate or" shall be inserted.
1948	LXXI	The Bombay Children Act, 1948.	1. In section 8, clauses (*c*) and (*d*) shall be deleted. 2. In section 41, for the words "District Magistrate or Sub-Divisional Magistrate" the words "Sessions Judge" shall be substituted. 3. In section 80,— (*i*) for the words beginning with the words "the court shall submit" and ending with the words "it is subordinate" the words and figure "the Court if it is not competent to exercise the powers of a juvenile court under section 8 shall submit the proceedings and forward the child to the salaried First Class Magistrate" shall be substituted; (*ii*) in the marginal note to the said section, for the words "District Magistrate" the words "First Class Magistrate" shall be substituted. 4. In section 94, in sub-section (*2*), clause (*a*), for the words "District Magistrate" the words "Court of Session" shall be substituted.

THE BOMBAY WILD ANIMALS AND WILD BIRDS PROTECTION ACT, 1951.

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BOMBAY ACT No. XXIV OF 1951.[1]

[THE BOMBAY WILD ANIMALS AND WILD BIRDS PROTECTION ACT, 1951.]

[*24th July 1951*]

An Act to make adequate provision for the protection of wild animals and birds in the State of Bombay.

WHEREAS it is expedient to make better and adequate provision for the preservation and protection of wild animals and wild birds in the State of Bombay and for certain other matters hereinafter appearing ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (*1*) This Act may be called the Bombay Wild Animals and Wild Birds Protection Act, 1951. Short title, extent and commencement.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) 'Animal or Bird' includes the young ones of the animal or bird, as the case may be ;

(*b*) 'Big Game' means any animal specified in Schedule III or IV ;

(*c*) 'Game' means any animal or bird specified in Schedule II, III or IV ;

(*d*) 'Game Officer' means any officer, warden or servant appointed or authorized for any of the purposes of this Act ;

(*e*) 'Hunt' means to hunt, kill or capture any animal or bird by any method and includes every attempt to kill or capture it or to take or destroy any part of its body or eggs or nest or to disturb its eggs or nest ;

'Licence' means a licence granted under this Act ;

( ) 'Meat' includes fat, blood, flesh and bones ;

(*h*) 'Permit' means a permit granted under this Act ;

(*i*) 'Prescribed' means prescribed by rules ;

(*j*) 'Rules' means rules made under section 48 ;

(*k*) 'Schedule' means a Schedule appended to this Act ;

(*l*) 'Small Game' means any animal or bird specified in Schedule II ;

(*m*) 'Trophy' means the durable part of an animal or a bird which has been preserved by any means, whether natural or artificial, and includes the head or horn, tooth, tusk, bone, claw, hoof, skin, hair, feather, eggs or nest of any bird, but does not include any article manufactured from any such part of the animal or bird as aforesaid ;

(*n*) 'Vermin' means any animal or bird specified in Schedule I and includes any animal or bird declared to be a vermin under section 18.

3. Nothing in this Act shall apply to domesticated or other animals or birds which are lawfully captured and kept in captivity. Domesticated and other animals and birds in captivity exempted.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951, Part V, page 14.

CHAPTER II.

AUTHORITIES TO BE APPOINTED OR CONSTITUTED UNDER THE ACT.

Appointment of Wild Life Preservation Officer, Game Wardens and other Game Officers.

4. (*1*) The State Government may for the purposes of this Act appoint,—

(*a*) the Wild Life Preservation Officer for the State of Bombay ;

(*b*) the Game Wardens, either honorary or stipendiary ;

(*c*) such other officers and servants as may be necessary.

(*2*) The honorary Game Warden shall ordinarily hold office for a period of three years :

Provided that the State Government may terminate his tenure of office at any time without assigning any reason.

(*3*) The Game Wardens and other officers and servants appointed under this section shall be subordinate to the Wild Life Preservation Officer.

Delegation of powers by Wild Life Preservation Officer.

5. The Wild Life Preservation Officer may, with the approval of the State Government, by order in writing delegate any of his powers and duties under any of the provisions of this Act to any officer subordinate to him, subject to such conditions, if any, as may be specified in the order.

Constitution of State Wild Life Advisory Board.

6. (*1*) As soon as possible after the coming into force of this Act, the State Government shall constitute an advisory board hereinafter called "the State Wild Life Advisory Board" consisting of the following *ex-officio* and other members nominated by the State Government, namely :—

(*a*) The Chief Secretary to the Government of Bombay as the Chairman ;

(*b*) One representative of the Bombay Legislative Assembly ;

(*c*) One representative of the Bombay Legislative Council ;

(*d*) Two non-officials who in the opinion of the State Government are interested in the protection of wild animals and birds ;

(*e*) One representative of the Bombay Natural History Society ;

(*f*) Four other officials of Government.

(*2*) The Wild Life Preservation Officer shall be the Secretary of the Board.

(*3*) The members shall ordinarily hold office on such terms as to tenure and vacation of office as the State Government may determine :

Provided that the tenure of office of any member may be terminated by the State Government at any time without assigning any reasons.

(*4*) The members shall be entitled to receive such allowances in respect of expenses properly incurred in the performance of their duties as the State Government may determine :

Provided that the receipt of such allowances by the representative of the Bombay Legislative Assembly or the Bombay Legislative Council shall not be deemed to make such representative as the holder of an office of profit under the State Government.

Duties of State Wild Life Advisory Board.

7. It shall be the duty of the State Wild Life Advisory Board to advise the State Government—

(*1*) in the selection of areas to be declared as Game Sanctuaries ;

(*2*) in formulating the policy in granting licences and permits under this Act and administration of Game Sanctuaries ;

(*3*) in the matter of framing rules under section 48 ; and

(*4*) on any other matter connected with the preservation and protection of animals and birds which may be referred to it by the State Government.

8. (*1*) The State Wild Life Advisory Board shall meet at least once a year at Bombay or such other place as the State Government may direct. **Procedure State Wild Life Advisory Board.**

(*2*) The procedure (including the quorum) of the Board shall be such as the Board may, by by-laws made in this behalf, determine.

CHAPTER III.

HUNTING OF ANIMALS AND BIRDS.

A.—Licences.

9. No person shall hunt any wild animal or wild bird except under a licence granted under the provisions of this Act and in accordance with the conditions specified in such licence : **Hunting of wild animals and birds without licence prohibited.**

Provided that no such licence shall be necessary to hunt any vermin.

XI of 1878. **10.** Any person who holds a licence granted under the Indian Arms Act, 1878, for the possession of arms for sport or protection or who is exempt from the provisions of that Act and possesses any arms, shall register his name and address with the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf. Such registration shall be made on application made in the prescribed form and on payment of such fee as may be prescribed. **Registration of certain persons in possession of arms.**

11. (*1*) Any person desiring to obtain a game licence shall apply to the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf in the prescribed form. Such application shall be accompanied by such fee for the licence as may be prescribed. **Procedure for licence.**

(*2*) The application may be made for any or all of the following kinds of game licences, namely :—

(*a*) Small Game Licence,
(*b*) Big Game Licence,
(*c*) Special Big Game Licence,
(*d*) Pet Animals (Possession) Licence,
(*e*) Pet and other Animals (Trapping) Licence.

(*3*) On receipt of an application and after making such inquiry as he may deem necessary the Wild Life Preservation Officer or the authorized Officer may, subject to any general or special orders of the State Government, grant or refuse to grant the game licence without assigning any reasons. When a game licence is refused the fee paid therefor shall be refunded to the applicant.

(*4*) Every game licence granted under this section shall ordinarily be valid for such period as may be prescribed.

(*5*) Any person aggrieved by the refusal of a licence may within fifteen days appeal to the State Government, whose decision shall be final.

12. (*1*) The holder of every game licence of the kind specified in clause (*b*), (*c*) or (*e*) of sub-section (*2*) of section 11, shall keep a record containing such particulars as may be prescribed of all game killed or captured by him during the currency of his licence. **Record of game hunted to be kept and submitted.**

(*2*) When any game is killed or captured by the holder of such licence, he shall not later than fifteen days of the killing or capture of the game or before leaving the State of Bombay, whichever is earlier, intimate in writing to the Wild Life Preservation Officer or to any other Officer authorised by the State Government in this behalf, the prescribed particulars of the animal or bird killed or captured by him.

(*3*) Not later than fifteen days after the expiry of his licence, the holder shall surrender his licence to the Wild Life Preservation Officer or the authorized Officer and shall sign a declaration in the prescribed form certifying the accuracy of the record of the game killed or captured by him.

Issue of licence for special purposes.

13. Notwithstanding anything contained in this Act, it shall be lawful for the Wild Life Preservation Officer, upon such conditions as he may deem fit to impose, to grant a licence to any person with or without payment of fee, which shall entitle the holder to hunt animals and birds specified thereon for any of the following purposes, namely :—

(*i*) Scientific research ;

(*ii*) Collection of specimens for zoological gardens, museums and similar institutions ; and

(*iii*) Killing of such animals and birds as are a source of serious menace to human life or property.

Suspension or cancellation of licence.

14. (*1*) The Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf may, subject to any general or special orders of the State Government, without giving any previous notice and without assigning any reasons, suspend or cancel any licence granted under this Chapter.

(*2*) Any person aggrieved by the suspension or cancellation of a licence under sub-section (*1*) may within fifteen days appeal to the State Government, whose decision shall be final.

B.—General.

Hunting of young and female with young prohibited.

15. (*1*) Except when authorized under a specified condition to that effect in a licence, no person shall hunt the young of any game or any female game accompanied by its young or any deer with horns in velvet.

(*2*) Nothing contained in sub-section (*1*) shall apply to the hunting of a vermin.

Close time.

16. The State Government may, by notification in the *Official Gazette*, declare the whole year or any part thereof to be a close time throughout the whole or any part of the State of Bombay for any kind of wild animal or bird or for female or immature wild animal or bird of such kind.

Unlawful methods of hunting.

17. (*1*) No person shall hunt any game from or by means of a wheeled or a mechanically propelled vehicle on water or land or by air-craft.

(*2*) No person shall use a motor car, motor launch or air-craft, for the purpose of killing, driving or stampeding game.

(*3*) No person shall hunt any game with nets, snares, pit-falls, poison or poison-weapons, except in defence of human life or property, and except in so far as it relates to capture of animals and birds under a licence of the kind specified in clause (*e*) of sub-section (*2*) of section 11.

(*4*) No person shall for the purpose of hunting set fire to any vegetation.

(*5*) No person shall use any artificial light for the purpose of hunting, except in the case of carnivora, over a natural kill.

(*6*) No person shall hunt any game during the hours of night, *i.e.*, one hour after sun-set and one hour before sun-rise except in the case of carnivora, by sitting on a natural kill.

(*7*) No person shall hunt any game on a salt-lick or water hole or other drinking places or on paths and approaches to the same except sand-grouse and water birds.

(*8*) No person shall hunt any game on any land of private ownership, without the consent of the owner or his agent or the lawful occupier of such land.

(*9*) No person shall, notwithstanding that he holds a game licence for the purpose, hunt any game animal during the close time.

18. The State Government may, by notification in the *Official Gazette*, declare any wild animal or wild bird other than those specified in Schedule I, to be a vermin in any specified area, and it shall not be necessary to hold a licence to hunt any such animal or bird in such area. **Declaration of certain animals and birds as vermins.**

CHAPTER IV.

GAME SANCTUARIES.

19. The State Government may, by notification in the *Official Gazette*, declare any area to be a Game Sanctuary, in the manner hereafter appearing. **Power to declare any area to be Game Sanctuary.**

20. Whenever it has been decided to declare any area to be a Game Sanctuary, the State Government shall issue a notification in the *Official Gazette*,— **Notification regarding declaration of Game Sanctuary.**

(*1*) stating that it has been decided to declare such area to be a Game Sanctuary ;

(*2*) specifying as nearly as possible the situation and limits of such area, and

(*3*) directing the Collector to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over the land comprised within the limits of such area and deal with the same as provided in this Act.

Explanation.—For the purpose of this section, it shal be sufficient to describe the area by roads, rivers, ridges or other well-known or readily intelligible boundaries.

21. After the issue of a notification under section 20, no right shall be acquired in or over the land comprised in such notification, except by succession. **Bar of accrual of any rights in land comprised in Game Sanctuary.**

22. When a notification has been issued under section 20, the Collector shall publish in the regional language in every town and village in the neighbourhood of the area comprised therein, a proclamation— **Proclamation by Collector.**

(*a*) specifying, as nearly as possible, the situation and the limits of the proposed Game Sanctuary ;

(*b*) fixing a period of not less than two months from the date of such proclamation, and requiring any person claiming any right mentioned in section 20 or section 21 within such period either to present to the Collector a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

Inquiry by Collector.

23. The Collector shall take down in writing all statements made under section 22 and shall at some convenient place inquire into all claims duly preferred under that section and the existence of any rights mentioned in section 20 or 21 and not claimed under section 22 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

Extinction of rights.

24. Rights in respect of which no claim has been preferred under section 22 and of the existence of which no knowledge has been acquired by inquiry under section 23, shall be extinguished.

Power to acquire land over which right is claimed.

25. In the case of a claim to a right in or over any land, other than a right of public way or right of common pasture, the Collector shall either,—

(*a*) exclude such land from the limits of the proposed Game Sanctuary, or

(*b*) come to an agreement with the owner thereof for the surrender of his rights, or

(*c*) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894. I of 1894.

Acquisition Proceedings.

26. For the purpose of acquiring such land,—

(*1*) the Collector shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894 ; I of 1894

(*2*) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act ;

(*3*) the provisions of the preceding sections of that Act shall be deemed to have been complied with ;

(*4*) the Collector with the consent of the claimant, or the Court, with the consent of both the parties, may award compensation in land or partly in land and partly in money ; and

(*5*) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government, provide for a substitute public way or common pasture, as far as may be practicable or convenient.

Power of Collector to be exercised by other officers.

27. The State Government may, by general or special order, direct that the powers exercisable or the functions to be performed by the Collector under sections 20 to 26 (both inclusive) may be exercised and performed by such officer as may be specified in the order.

Restriction on entry in Game Sanctuary.

28. No person, other than,—

(*a*) any public servant on duty ;

(*b*) any person who ordinarily resides within the limits of a sanctuary ;

(*c*) any person who has any rights over immovable property within the limits of a sanctuary ;

(*d*) any person passing through a sanctuary along a public highway ;

(*e*) the dependents and servants of the above persons ;

shall enter or reside in a Game Sanctuary, except under a permit and in accordance with the conditions of the permit granted under section 29.

29. (*1*) The Wild Life Preservation Officer may issue to any person on application a permit to enter or reside in a Game Sanctuary for any of the following purposes, namely :— Permit to enter or reside in a Game Sanctuary.

(*a*) Investigation or study of wild life and purposes incidental thereto ;
(*b*) Photography ;
(*c*) Scientific research ;
(*d*) To transact lawful business with any person residing in the sanctuary.

(*2*) A permit to enter or reside in the sanctuary shall be issued, subject to such conditions as the Wild Life Preservation Officer may deem fit to impose or as may be prescribed and such conditions shall be endorsed on the permit.

30. (*1*) No person shall hunt any animal or bird in a Game Sanctuary, provided that the Wild Life Preservation Officer may in any special case where he is satisfied that it is necessary that animals or birds should be hunted for the better preservation of other animal life, or for other good and sufficient reason, issue a permit authorising any person, to hunt such animals or birds under the direction of an officer authorised by him. Hunting in Game Sanctuary without permit prohibited.

(*2*) A permit issued under sub-section (*1*) shall specify the number and kind of animal or bird that may be hunted by the holder of such permit.

31. (*1*) The Wild Life Preservation Officer may, for good and sufficient reason, refuse to issue any permit or may cancel any permit granted under this Chapter. Refusal or cancellation of permit.

(*2*) Any person aggrieved by the refusal or cancellation of a permit under sub-section (*1*) may within fifteen days appeal to the State Government, whose decision shall be final.

32. No person shall set fire to a Game Sanctuary or kindle or leave any fire burning in such manner as to endanger such sanctuary. Causing fire prohibited.

CHAPTER V.

Trophies and Pet Animals and Birds.

33. No person shall carry on the business of a trophy dealer or dealer in pets, except under and in accordance with the trophy dealer's licence or pets dealer's licence granted under the provisions of this Chapter. Dealings in trophy and pets without licence prohibited.

34. A trophy dealer's or pet and other animal dealer's licence may be issued by the Wild Life Preservation Officer or by any other Officer authorized by the State Government in this behalf on application and payment of such fees as may be prescribed, and shall entitle the holder to carry on the business of a trophy dealer or dealer in pets upon the premises and conditions specified in the licence. Every such Trophy and pets dealer's licences.

licence shall be valid for one year from the date of issue, unless duly suspended or cancelled before that period.

Records and returns to be made by trophy and pets dealers.

35. A trophy dealer or dealer in pets shall keep such records and submit such returns of his dealings to the Wild Life Preservation Officer as may be prescribed.

Certificate of ownership.

36. The Wild Life Preservation Officer may for the purposes of section 37 issue a certificate of ownership to any person who in his opinion is in lawful possession of a trophy.

Export and sale of trophies regulated.

37. No person shall export or transfer by gift, sale or otherwise, to any person any trophy unless he is in possession of a certificate of ownership therefor and such certificate shall be delivered or sent by post to the transferee at the time of export or transfer

Explanation.—For the purposes of this section, "export" means to take out of the State of Bombay otherwise than across a customs frontier.

Government trophies.

38. Any game found dead or killed without a licence in defence of life or property or by mistake or any game or trophy in respect of which a breach of the provisions of this Act has been committed, shall be a Government trophy and the property of the State Government.

Possession of Government trophy to be reported.

39. Any person who by any means obtains possession of a Government trophy shall within 48 hours make a report thereof to the nearest Game, Police or Forest Officer and shall, if so required, hand over the trophy to him.

Unlawful possession and dealings in Government trophies.

40. (*1*) No person shall without the permission of any of the Officers referred to in section 39 keep in his possession any Government trophy or without the permission of the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf transfer, by gift, sale or otherwise, any Government trophy to any person.

(*2*) In any prosecution for contravention of the provisions of sub-section (*1*), it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed that the person in whose possession the Government trophy was found was in unlawful possession thereof.

Production of ivory or horn before Wild Life Preservation Officer.

41. Every person who kills an elephant or a bison shall produce its ivory or horn before the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf within one month of the killing thereof, or within such further time as may be allowed by him in any special case, together with the game licence under which it was killed.

Registration of ivory or horn and identification marks.

42. The officer to whom the ivory or horn is produced under the provisions of section 41, if satisfied, after such inquiry as he may consider necessary, that the ivory or horn has been lawfully obtained, shall cause it to be weighed, marked and registered in the prescribed manner and shall return it to the person producing it together with a certificate of ownership in the prescribed form.

No ivory or horn to be transferred without a certificate of ownership.

43. No person shall in any manner transfer any such ivory or horn without the certificate of ownership obtained from the Wild Life Preservation Officer or the authorized Officer, as the case may be.

CHAPTER VI.

PREVENTION AND DETECTION OF OFFENCES AND PENALTIES.

Powers of entry, search, arrest and detention.

44. (*1*) The Wild Life Preservation Officer or any other Game Officer empowered by him or any Forest or Police Officer may, if he has reasonable grounds for believing that any person has committed an offence against this Act,—

(*a*) require any such person to produce for his inspection any animal, bird, meat or trophy in his possession or any licence, permit or other document issued to him or required to be kept by him under the provisions of this Act;

(*b*) enter and search any premises, land, vehicle or boat, in the occupation of such person and open and search any baggage or other things in his possession;

(*c*) seize any animal, bird, meat or trophy in the possession of any person and appearing to him to be the property of the State Government, and unless he is satisfied that such person will appear and answer any charge which may be preferred against him, without warrant arrest and detain him.

(*2*) It shall be lawful for any of the Officers referred to in sub-section (*1*) to stop and detain any person whom he sees doing any act for which a licence or permit is required under the provisions of this Act for the purposes of requiring such person to produce his licence or pe mit and if such person fails to produce his licence or permit, as the case may be, he may be arrested without a warrant, unless he furni shes his name and address and otherwise satisfies the officer arresting him that he will duly answer any summons or other proceedings which may be taken against him.

(*3*) Any person detained, or things seized under the foregoing powers, shall forthwith be taken before a Magistrate to be dealt with according to law.

(*4*) Any person who, without reasonable cau e, fails to produce anything which under the powers conferred by this section he is required to produce, shall be guilty of an offence against this Act.

Penalties.

45. (*1*) Any person who contravenes any of the provisions of this Act or of any rules made thereunder or who commits a breach of any of the conditions of any licence or permit shall be guilty of an offence against this Act, and shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to Rs. 500 or with both.

(*2*) When any person is convicted of an offence against this Act, the Court trying the offence may order that any animal, bird, meat or trophy in respect of which the offence has been committed and any weapon or trap with which the offence has been committed shall be at the disposal of the State Government, and that any licence or permit held by such person under the provisions of this Act, be cancelled.

(*3*) Such cancellation of licence or permit shall be in addition to any other punishment awarded for such offence.

When Court to take cognizance of offence.

46. No Court shall take cognizance of any offence against this Act,—

(*1*) except on the complaint or report of the Wild Life Preservation Officer or any Officer authorised by him or of any Forest or Police Officer or of any other Officer authorized by the State Government in this behalf; and

(*2*) unless the prosecution is instituted within three months from the date on which the offence is alleged to have been committed.

Operation of other laws not barred.

47. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act or from being liable under such other law to any higher punishment or penalty than that provided by this Act:

Provided that no person shall be punished twice for the same offence.

CHAPTER VII.

MISCELLANEOUS.

Power to make rules.

48. (*1*) The State Government may make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may be made for all or any of the following matters, namely :—

(*a*) the forms to be used for any application, licence, permit, registration, declaration, certificate, return or other documents, granted, issued, made or submitted under the provisions of this Act and the fees, if any, therefor ;

(*b*) the conditions subject to which any licence or permit may be granted under this Act;

(*c*) the particulars of the record of game killed or captured to be kept and submitted by any licensee;

(*d*) controlling settlements in game sanctuaries with a view to preventing disturbance to the natural fauna;

(*e*) regulating the sale of pet and other animals and trophy derived from the wild animals and birds;

(*f*) manner of registration of ivory or horn of elephant or bison brought for such registration;

(*g*) any other matter for which in the opinion of the State Government provision is expedient or necessary to carry out the object of this Act.

(*3*) The power to make rules under this section shall be exercised subject to the condition of previous publication.

(*4*) The rules made under this section shall be published in the *Official Gazette* and on such publication shall have effect as if enacted in this Act.

Power to amend Schedules.

49. For the purpose of preserving or protecting the rare species of wild animals and wild birds, protecting such animals and birds during the breeding season and for any similar purpose, the State Government may, by notification in the *Official Gazette*, add to or alter any of the Schedules and any such addition or alteration shall have effect as if it had been made by this Act.

50. Subject to the provisions of sections 38 to 40 (both inclusive), nothing in this Act shall prohibit,— Defence of life and property.

(*1*) the killing or capturing of any wild animal or wild bird by the occupier of any land in defence of the standing crop or cattle on the land ;

(*2*) the killing or capturing in good faith of any wild animal or wild bird in defence of himself or of any other person :

Provided that nothing in this section shall exonerate any person who, when such defence became necessary, was hunting any game or committing any contravention of this Act.

51. All Game Officers and other Officers exercising any of the powers conferred by this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Game Officers to be public servants.

XLV of 1860.

52. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act. Protection to persons acting in good faith.

53. The State Government may, by notification in the *Official Gazette*, exempt any person by name or in virtue of his office or any class of persons from all or any of the provisions of this Act. Power to exempt.

VIII of 1912.

54. The Wild Birds and Animals Protection Act, 1912, in its application to the State of Bombay, is hereby repealed : Repeal.

Provided that any licence granted under the said Act and in force on the date of commencement of this Act shall continue to be in force and be deemed to have been granted under section 13 of this Act.

Schedule 1.

(Vermin).

Mongooses.

Civet cats.

Wild cats (excluding tigers, lions, panthers and cheetahs).

Wild dogs.

Wild pigs.

Rodents (except hares, giant squirrels and flying squirrels).

Jackals.

Monkeys.

Bats.

Crows.

Birds of prey (excluding vultures).

Parakeets.

Schedule II.

(Small Game).

Spot-bill ducks.

Nuktas.

Whistling teals, large and small.

Cotton teals.

Pink-headed ducks.

Great Indian bustards.

Ducks, geese and swans (all kinds other than those specified above).

Water-birds (excluding storks, egrets and herons).

Bustards (excluding Great Indian bustards).

Sand-grouses (of all species).

Spur-fowls.

Jungle-fowls.

Partridges, grey and painted.

Quails (all species).

Pigeons and doves (all species).

Hares (all species).

Nilgais.

Black bucks (males only with horns over 12″).

Chinkaras (males only).

Four-horned antelopes.

Barking deer.

Hyænas.

Wolves.

Schedule III.

(Big Game).

Sambars (males only with hard horns over 30″).

Cheetals (males only with hard horns over 20″).

Panthers.

Tigers.

Sloth bears.

Cheetahs.

Schedule IV.

(Special Big Game).

Elephants (with at least one tusk of 18″ or longer outside the socket).

Bison (if horn measurements reach at least one of the following limits, (*a*) a span of 33 inches between the outer edges of the horns at their widest spread, (*b*) a girth of 18″ at the base of the horn).

Lions.

THE BOMBAY LEGISLATURE MEMBERS (REMOVAL OF DISQUALIFICATIONS) ACT, 1951.

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SCHEDULE.

BOMBAY ACT No. XXV OF 1951.[1]

[THE BOMBAY LEGISLATURE MEMBERS (REMOVAL OF DISQUALIFICATIONS) ACT, 1951.]

[*20th September 1951.*]

An Act to provide for the removal of certain disqualifications for being chosen as, and for being, a member of the Bombay Legislative Assembly and the Bombay Legislative Council.

WHEREAS by the Constitution of India, provision has been made for declaring by Act of the State Legislature any office of profit under the Government of India or the Government of any State specified in the First Schedule to the said Constitution not to disqualify its holder for being chosen as, and for being, a member of a State Legislature; And whereas it is expedient to make such declaration; It is hereby enacted as follows :—

1. This Act may be called the Bombay Legislature Members (Removal of Disqualifications) Act, 1951. **Short title.**

2. A person shall not be disqualified for being chosen as, or for being, a member of the Bombay Legislative Assembly or the Bombay Legislative Council merely by reason of the fact that he holds any of the offices specified in the Schedule appended hereto. **Removal of certain disqualifications.**

Bom. I of 1937. **3.** The Bombay Legislature Members (Removal of Disqualifications) Act, 1937, is hereby repealed. **Repeal.**

4. The provisions of this Act shall be deemed to have come into force on the 26th day of January 1950. **Act to come into force on 26th January 1950.**

SCHEDULE.

1. The office of the Parliamentary Secretaries to the Ministers of the Government of Bombay.

2. The office of part-time professors or lecturers in a Government college.

3. Any office in the National Cadet Corps or the Territorial Army.

4. The office of the Secretaries of the District Rural Development Boards :

Provided that the holders of such office do not hold any other office of profit under the State Government.

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[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1951, Part V, page 259.

THE BOMBAY (SECOND SUPPLEMENTARY) APPROPRIATION ACT, 1951.

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PREAMBLE.

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1. Short title.
2. Issue of Rs. 53,25,27,755 out of the Consolidated Fund of the State of Bombay for the year 1951–52.
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SCHEDULE.

BOMBAY ACT No. XXXV OF 1951.[1]

[THE BOMBAY (SECOND SUPPLEMENTARY) APPROPRIATION ACT, 1951.]

[*17th October 1951*]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1952.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1952, and for the purpose of authorising payment of the said sums; It is hereby enacted as follows :—

1. This Act may be called the Bombay (Second Supplementary) Appropriation Act, 1951. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 53,25,27,755 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1952, in respect of the services and purposes specified in column 2 of the Schedule. Issue of Rs. 53,25,27,755 out of the Consolidated Fund of the State of Bombay for the year 1951-52.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1952. Appropriation.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ..	7—Land Revenue ..	21,94,453	*25,841*	22,20,294
2	State Excise ..	8 - State Excise ..	10	....	10
3	Forest ..	10—Forest ..	1,20,570	....	1,20,570
4	Other Taxes and Duties.	13—Other Taxes and Duties.	58,900	....	58,900

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1951, Part V, page 361.

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
5	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses, "18—Other revenue expenditure financed from ordinary revenues" and "19—Construction of Irrigation, Navigation, Embankment and Drainage Works."	6,30,751	*1,494*	6,32,245
6	Interest on Debt and other Obligations.	22—Interest on Debt and other Obligations.	....	*6,27,500*	6,27,500
7	Appropriation for Reduction or Avoidance of Debt.	23—Appropriation for Reduction or Avoidance of Debt.	....	*1,77,100*	1,77,100
8	General Administration.	25—General Administration.	25,46,902	....	25,46,902
9	Administration of Justice.	27—Administration of Justice.	51,254	....	51,254
10	Jails and Convict Settlements.	28—Jails and Convict Settlements.	37,850	....	37,850
11	Police ..	29—Police ..	3,83,828	....	3,83,828
12	Dangs District ..	33-A—Dangs District.	3,05,449	....	3,05,449
13	Scientific Departments.	36—Scientific Departments.	1,30,725	....	1,30,725
14	Education ..	37—Education ..	13,29,250	....	13,29,250
15	Medical ..	38—Medical ..	13,28,384	....	13,28,384
16	Public Health ..	39—Public Health ..	10,46,647	....	10,46,647
17	Agriculture ..	40—Agriculture ..	24,62,879	....	24,62,879
18	Veterinary ..	41—Veterinary ..	10,000	....	10,000
19	Co-operation ..	42—Co-operation ..	4,18,812	....	4,18,812
20	Industries ..	43—Industries ..	2,55,274	....	2,55,274

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
21	Capital outlay on Industrial Development.	43-A—Capital outlay on Industrial Development.	1,54,000	....	1,54,000
22	Miscellaneous Departments (except Labour).	47—Miscellaneous Departments.	18,29,131	....	18,29,131
23	Labour ..	Do. ..	10,848	....	10,848
24	Civil Works ..	50—Civil Works ..	33,95,774	*1,02,190*	34,97,964
25	Famine ..	54—Famine ..	22,58,628	....	22,58,628
26	Miscellaneous ..	57—Miscellaneous ..	21,34,665	....	21,34,665
27	Extraordinary Charges.	63 — Extraordinary Charges.	3,245	....	3,245
		Total expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	2,30,98,229	*9,34,125*	2,40,32,354
28	Irrigation ..	68—Construction of Irrigation, Navigation, Embankment and Drainage Works.	10	....	10
29	Industrial Development.	72—Capital Outlay on Industrial Development.	10	....	10
30	Bombay Development Scheme.	80—Bombay Development Scheme.	3,780	....	3,780
31	Civil Works ..	81—Capital Account of Civil Works outside the Revenue Account.	61,81,024	....	61,81,024

SCHEDULE—*concld.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
32	Electricity Schemes ..	81-A—Capital Outlay on Electricity Schemes.	....	*31,232*	31,232
33	Housing for displaced persons and Milk Scheme.	82—Capital Account of other State Works outside the Revenue Account.	24,70,010	....	24,70,010
34	State Scheme connected with State Trading.	85-A—Capital Outlay on State Schemes of State Trading.	48,89,28,520	*7,15,000*	48,96,43,520
		Total Capital expenditure outside the Revenue Account.	49,75,83,354	*7,46,232*	49,83,29,586
35	Permanent Debt ..	Permanent Debt ..	....	*73,305*	73,305
36	Loans and Advances by State Government.	Loans and Advances by State Government.	99,15,410..	....	99,15,410
37	Loans from the Central Government.	Loans from the Central Government.	....	*1,77,100*	1,77,100
		Total Disbursements under Debt Heads.	99,15,410	*2,50,405*	1,01,65,815
		Grand Total ..	53,05,96,993	*19,30,762*	53,25,27,755

THE BOMBAY STATE RESERVE POLICE FORCE ACT, 1951.

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PREAMBLE.

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2. Definitions.
3. Constitution of the State Reserve Police Force.
4. Superintendence, control and administration of force.
5. Appointment of Commandant and Assistant Commandants.
6. Enrolment.
7. Transfer.
8. Certificate of appointment to certain reserve police officers, when it is to be returned back.
9. General powers of Commandant.
10. General duties of members of State Reserve Police Force.
11. Reserve Police Officers to be deemed to be in charge of police station, circumstances under which reserve police officer entitled to use force.
12. Offence in respect of resignation contrary to provisions.
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14. More heinous offences.
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16. Reserve police officer in command to give information of commission of offence under Act by reserve police officer under his charge.
17. Place of imprisonment and liability to dismissal on imprisonment.
18. Minor punishments.
19. Every reserve police officer to be police officer as defined in Bom. XXII of 1951.
20. Protection for acts of members of force.
21. Power to make rules.

SCHEDULE A.

SCHEDULE B.

BOMBAY ACT No. XXXVIII OF 1951.[1]

[THE BOMBAY STATE RESERVE POLICE FORCE ACT, 1951.]

[*23rd October 1951*]

An Act to provide for the constitution and regulation of an armed Reserve Police Force in the State of Bombay.

WHEREAS it is expedient to provide for the constitution and regulation of an armed Reserve Police Force in the State of Bombay; It is hereby enacted as follows:—

Short title, extent, commencement and application.

1. (*1*) This Act may be called the Bombay State Reserve Police Force Act, 1951.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

(*4*) It shall apply to the members of the State Reserve Police Force, wherever they may be.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) 'active duty' means—

(*i*) the duty to investigate offences involving a breach of peace or danger to life or property and to search for and apprehend persons concerned in such offences or who are so desperate and dangerous as to render their being at large hazardous to the community;

(*ii*) the duty to take all adequate measures for the extinguishing of fires or to prevent damage to person or property on the occasion of such occurrences as fires, floods, earthquakes, enemy action or riots and to restore peace and preserve order on such occasions;

(*iii*) such other duty as may be specified to be active duty by the State Government or the Inspector-General in a direction issued under section 10.

(*b*) 'Commandant' and 'Assistant Commandant' mean respectively persons appointed to those offices by the State Government under section 5.

Bom. XXII of 1951.

(*c*) 'Commissioner of Police' and 'Deputy Commissioner' mean respectively a Commissioner of Police and a Deputy Commissioner of Police appointed under the Bombay Police Act, 1951.

(*d*) 'Follower' means any person appointed to do the work of a cook, mess servant, washerman, cobbler, barber, tailor, sweeper or an orderly in connection with the State Reserve Police Force;

(*e*) 'members of the subordinate ranks' means members of the State Reserve Police Force below the rank of Adjutant or Battalion Commander;

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1951, Part V, page 320.

(*f*) 'Police Officer' means every police officer as defined by the Police Act, 1861, or the Bombay Police Act, 1951; V of 1861. Bom. XXII of 1951.

(*g*) 'Prescribed' means prescribed by rules made under this Act;

(*h*) 'reserve police officer' means any member of the State Reserve Police Force established under this Act;

(*i*) 'superior officer' means in relation to any reserve police officer a reserve police officer of a higher rank than, or of a higher grade in the same class as, or of the same rank as but senior to, himself.

(*j*) the words and expressions used herein and which are defined in the Indian Penal Code, the Code of Criminal Procedure, 1898, and the Bombay Police Act, 1951, and not hereinbefore defined, shall have the meanings respectively assigned to them in those enactments. XLV of 1860. V of 1898. Bom. XXII of 1951.

Constitution of the State Reserve Police Force.

3. (*1*) In addition to the Police Force constituted under the Bombay Police Act, 1951, the State Government may establish and maintain an armed reserve police force known as the State Reserve Police Force; Bom. XXII of 1951.

(*2*) The State Reserve Police Force shall be established and maintained in such manner as may be prescribed.

(*3*) Subject to the provisions of this Act, the pay, pension and other conditions of service of members of the State Reserve Police Force shall be such as may be determined by the State Government:

Provided that nothing in this section shall apply to the pay, pension and other conditions of service of the members of the Indian Police or the Indian Police Service who may be transferred to the State Reserve Police Force.

(*4*) The State Government or any officer empowered by it in this behalf may,—

(*a*) divide the State Reserve Police Force in groups;

(*b*) sub-divide each group into battalions, and each battalion into companies, and each company into platoons;

(*c*) post any group, battalion, company or platoon at such places as the State Government or the officer empowered by it in this behalf may deem fit.

Superintendence, control, and administration of Force.

4. The superintendence of and control over the State Reserve Police Force shall vest in the State Government; and the State Reserve Police Force shall be administered by the State Government in accordance with the provisions of this Act and of any rules made thereunder, through such officers as the State Government may from time to time appoint in this behalf.

Appointment of Commandant and Assistant Commandants.

5. (*1*) The State Government may appoint for each group a Commandant who shall be a person eligible to hold the post of a District Superintendent and an Assistant Commandant who shall be a person eligible to hold the post of an Assistant or a Deputy Superintendent.

(*2*) Notwithstanding anything contained in sub-section (*1*), the State Government may appoint such Military Officer as it deems fit to be a Commandant or Assistant Commandant.

(*3*) The Commandant, the Assistant Commandant and every other officer so appointed shall have and may exercise such powers and authority as may be provided by or under this Act.

Enrolment.

6. (*1*) Before any person appointed to be a reserve police officer joins his appointment, a declaration in the form in Schedule A shall be read out and, if he so desires, explained to him in the presence of a Commandant or an Assistant Commandant or a police officer not lower in rank than a District Superintendent or a Deputy Commissioner and shall be signed by him in token of his having undertaken to abide by the conditions prescribed therein. The declaration shall then be attested by such Commandant, Assistant Commandant or Police Officer, as the case may be.

(*2*) No reserve police officer shall resign his appointment except in accordance with the terms of the declaration signed by him under sub-section (*1*).

(*3*) If any reserve police officer resigns in contravention of this section, he shall be liable, without prejudice to any other penalty imposed by this Act or any other law for the time being in force, on the order of the Commandant, to forfeit all arrears of pay then due to him.

Transfer.

Bom. XXII of 1951.

7. (*1*) Notwithstanding anything contained in this Act or the Bombay Police Act, 1951, it shall be competent to the State Government to transfer members of the armed section of the Police Force appointed under the Bombay Police Act, 1951, to the State Reserve Police Force established under this Act and *vice versa :*

Bom. XXII of 1951.

Provided that the State Government may delegate its power under sub-section (*1*) in so far as it relates to the transfer of members of the subordinate ranks of the respective Police Force to the Inspector-General.

Bom. XXII of 1951.

(*2*) On the transfer of a member of the Police Force appointed under the Bombay Police Act, 1951, to the State Reserve Police Force established under this Act or *vice versa*, he shall be deemed to be a member of the Police Force to which he is transferred and in the performance of his functions, he shall, subject to such orders as the State Government may make, be deemed to be vested with the powers and privileges, and be subject to the liabilities, of a member of such grade in the Police Force to which he has been transferred as may be specified in the orders.

Certificate of appointment to certain reserve police officers, when it is to be returned back.

8. (*1*) An Adjutant, a Battalion Commander or Company Commander shall, on appointment, receive from the Inspector-General of Police a certificate of appointment containing particulars of his name, age, religion and his previous service, if any.

(*2*) Every reserve police officer below the rank of a Company Commander shall on appointment receive a certificate in the form of Schedule B, which shall be issued under the seal of the Commandant.

(*3*) Every person who for any reason ceases to be a reserve police officer shall forthwith deliver up to an officer empowered by the Commandant to receive the same, his certificate of appointment and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office.

General powers of Commandant.

9. The Commandant shall, subject to the orders of the Inspector-General of Police, direct and regulate all matters of arms, drill, exercise, mutual relations, distribution of duties, and all the matters of executive detail in the fulfilment of their duties by the members of the group in his charge.

General duties of members of State Reserve Police Force.

10. (*1*) Every reserve police officer shall for the purpose of this Act be deemed to be always on duty in the State of Bombay, and any reserve police officer and any member or body of reserve police officers may, if the State Government or the Inspector-General of Police so directs, be employed on active duty for so long as and wherever the services of the same may be required.

(*2*) Every direction issued under sub-section (*1*) shall specify that the duty on which any reserve police officer or any member or body of such officers is directed to be employed shall be deemed as active duty for the purposes of this Act.

Explanation.—The direction of the State Government or of the Inspector-General of Police whether a reserve police officer is required or is on active duty shall be final.

(*3*) A reserve police officer employed on active duty under sub-section (*1*), or when a number or body of reserve police officers are so employed, the officer in charge of such number or body, shall be responsible for the efficient performance of that duty and all police officers who but for the employment of one or more reserve police officers or body of reserve police officers would be responsible for the performance of that duty will to the best of their ability assist and co-operate with the said reserve police officer or officers in charge of a number or body of reserve police officers.

Reserve police officer to be deemed to be in charge of police station.

11. (*1*) When employed on active duty at any place under sub-section (*1*) of section 10, the senior reserve police officer of highest rank not being lower than that of a Naik present shall be deemed to be an officer in charge of a Police Station for the purposes of Chapter IX of the Code of Criminal Procedure, 1898. V of 1898.

Circumstances under which reserve police officer entitled to use force.

(*2*) Notwithstanding anything contained in sections 100 and 103 of the Indian Penal Code, a reserve police officer employed as aforesaid may, when there is reasonable apprehension of assault on himself or any reserve police officer or of damage or harm to any property or person which or whom it is his duty to protect, use such force to the wrong doer or assailant as may be reasonably necessary even though the use of such force may involve risk of death of the wrong doer or the assailant or any other person assisting such wrong doer or assailant. XLV of 1860.

Offence in respect of resignation contrary to provisions.

12. If any reserve police officer resigns his appointment in contravention of section 6 he shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

Offence in respect of refusal to deliver certificate of appointment, etc.

13. Any reserve police officer who wilfully neglects or refuses to deliver up his certificate of appointment or any other article in accordance with sub-section (*3*) of section 8 shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

More heinous offences.

14. Every reserve police officer who,—

(*a*) begins, excites, causes or conspires to cause or joins in any mutiny, or being present at any mutiny, does not use his utmost endeavours to suppress it by force of arms, if necessary, or knowing, or having reason to believe in, the existence of

any mutiny, or of any intention or conspiracy to mutiny or of any conspiracy against the State, does not, without delay, give information thereof to his superior officer present at or near the place ; or

(*b*) uses, or attempts to use criminal force to, or commits an assault on his superior officer, knowing or having reason to believe him to be such, whether on or off duty ; or

(*c*) shamefully abandons or delivers up any post, guard, building, fortification, or property which is committed to his charge, or which it is his duty to defend ; or

(*d*) in the presence of any person in arms against whom it is his duty to act, shamefully casts away his arms or his ammunition or intentionally uses words or any other means to induce any reserve police officer or any police officer to abstain from acting against any such person in arms, or to discourage such officer from acting against any such person in arms or who is otherwise guilty of cowardice or misbehaviour in the presence of any such person in arms ; or

(*e*) directly or indirectly holds correspondence with, or communicates intelligence to, or assists, or relieves, any person in arms against the State, or any person conspiring against Government or public security or any person to be arrested, or omits to discover immediately to his superior officer present, any such correspondence or communications coming to his knowledge ; or

(*f*) directly or indirectly sells, gives away, or otherwise disposes, or agrees to, or assists in, the sale, gift or disposal of any arms, ammunition or equipment to any such person as aforesaid, or knowingly harbours or protects any such person ; or

(*g*) while on active duty,—

(*i*) disobeys the lawful command of his superior officer ; or

(*ii*) deserts his force or his post ; or

(*iii*) being a sentry, or otherwise detailed to remain alert, sleeps at his post or quits it without being regularly relieved or without leave ; or

(*iv*) without authority, leaves his Commanding Officer for any purpose whatsoever ; or

(*v*) uses criminal force to, or commits an assault on, any person whom he has not any reason to believe to be in arms against the State and against whom it is his duty to act, or without authority breaks into any house or other place for plunder or any illegal purpose, or wilfully and unnecessarily plunders, destroys or damages any property of any kind ; or

(*vi*) intentionally causes or spreads a false alarm in action or in camp, garrison or quarters,

shall, on conviction, be punished with rigorous imprisonment for a term which may extend to fourteen years and shall also be liable to fine.

Explanation.—A reserve police officer shall be deemed to desert the force if he leaves his place of duty or posting without the permission of his superior officer and he shall be deemed to desert his post if he leaves any sentry, beat, point, building, vehicle, or other place at which or in which he is specifically ordered by his superior officer to perform the duty assigned to him.

Less heinous offences.

15. Every reserve police officer, who—

(*a*) assaults or uses or attempts to use criminal force to any sentry ; or

(*b*) being in command of a guard, picquet or patrol, refuses to receive any prisoner or person lawfully made over to his charge, or whether in such command or not, releases any prisoner or person without proper authority or negligently suffers any prisoner or person to escape ; or

(*c*) being in command of a guard, picquet or patrol, permits any person belonging to such guard, picquet or patrol to engage himself in gambling or other behaviour prejudicial to good order and discipline ; or

(*d*) being under arrest or in confinement, leaves his arrest or confinement, before he is set at liberty by lawful authority ; or

(*e*) is grossly insubordinate to his superior officer in the execution of his office; or

(*f*) refuses to superintend or assist in the making or carrying out of any construction of any description ordered to be made either in quarters or in the field ; or

(*g*) assaults or otherwise ill-uses any reserve police officer with reference to whom he is a superior officer ; or

(*h*) designedly or through neglect damages or loses or fraudulently or without due authority disposes of his arms, clothes, tools, equipment, ammunition, accoutrements or other necessaries furnished to him for the execution of his office or any such articles entrusted to him or to any other person ; or

(*i*) malingers, feigns or produces disease or infirmity in himself or intentionally delays his cure or aggravates his disease or infirmity ; or

(*j*) with intent to render himself or any other person unfit for duty, voluntarily causes hurt to himself or any other person ; or

(*k*) commits extortion or without lawful authority extorts from any person carriage, porterage or provisions ; or

(*l*) wilfully or negligently ill-treats, injures or causes the death of any animal or damages, loses or makes away with any animal or vehicle used in the public service ;

shall, on conviction, be punished with rigorous imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Reserve police officer in command to give information of commission of offence under Act by reserve p lice officer under his charge.

16. A reserve police officer who, being in command of any guard, picquet, party, patrol or detachment and knowing of the commission or of a design to commit any offence punishable under section 14 or 15 of this Act, by or on the part of any reserve police officer under his command, intentionally omits or without reasonable excuse, the burden of proving which shall lie on him, fails to give information of such commission or design to his superior officer shall, on conviction, be punished with rigorous imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

17. (*1*) Every person sentenced under this Act to imprisonment may be dismissed from the State Reserve Police Force, and his pay, allowance and any other moneys due to him, as well as any medals and decorations received by him shall further be liable to forfeiture. **Place of imprisonment and liability to dismissal on imprisonment.**

(*2*) Every such person shall, if he is so dismissed, be imprisoned in the prescribed prison, but if he is not also dismissed from the State Reserve Police Force, he may, if the Court so directs, be confined in the quarter-guard or such other place as the Court may consider suitable.

18. (*1*) A Commandant, or subject to the control of the Commandant, an Assistant Commandant, or subject to the same control, an officer not below the rank of Jamadar in independent command of a detachment or an outpost or in temporary command of a Group Headquarters during the absence of the Commandant or Assistant Commandant may award to any reserve police officer not higher in rank than a Battalion Havildar Major or to any follower subject to his authority, any of the following punishments for the commission of any offence against discipline which is not otherwise provided for in this Act, or which, in the opinion of the Commandant, Assistant Commandant or Officer, as the case may be, is not of sufficiently serious nature to call for prosecution before a criminal court, that is to say— **Minor punishments.**

(*a*) punishment drill, extra guard, fatigue or any other duty for a term which may extend, when the order is passed by the Commandant, to fourteen days, and, when the order is passed by any other officer, to seven days;

(*b*) forfeiture of pay and allowances or such proportion of pay and allowances as he considers necessary for a period which may extend, when the order is passed by the Commandant, to one month and, when the order is passed by any other officer, to ten days;

(*c*) fine to an amount not exceeding one month's pay:

Provided that—

(i) no power under this sub-section shall be exercised by a Commandant or Assistant Commandant or other officer not below the rank of Jamadar unless the person to be awarded any of these punishments is under the command of such officer at the time when the breach of discipline or misconduct occurred and also when the power is exercised; and

(ii) when more than one officer are competent under proviso (i) to exercise the power, the most senior of such officers shall exercise the power.

(*2*) Any of the punishments specified in sub-section (*1*) may be awarded separately or with any one or more of the others:

Provided that fine shall not be awarded in combination with forfeiture of pay or allowances.

(*3*) No appeal shall lie from any order of punishment passed under this section except from an order of punishment of fine as provided in sub-section (*4*).

(*4*) An appeal against any order awarding punishment of fine shall lie to the State Government or to such officer as the State Government may by general or special order specify in this behalf.

(*5*) When a Commandant or an Assistant Commandant or other officer passes an order under sub-section (*1*), he shall enter in a book to be kept for the purpose a brief description of the default, together with the names of witnesses, explanation of the defaulter and the order of punishment and shall sign and date each such order.

Every reserve police officer to be police officer as defined in Bom. XXII of 1951.

19. Except as specifically provided in the foregoing sections of this Act, every reserve police officer shall for all purposes be deemed to be a police officer as defined in the Bombay Police Act, 1951, and the provisions of that Act shall, except in so far as they are inconsistent with the provisions of this Act, apply to every such reserve police officer. Bom. XXII of 1951.

Protection for acts of members of Force.

20. (*1*) In any suit or proceeding against any member of the State Police Reserve Force for any act done by him in pursuance of a warrant or order of a competent authority, it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.

(*2*) Any such plea may be proved by the production of the warrant or order directing the act, and if it is so proved, the member of the said Force shall thereupon be discharged from liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such warrant or order.

(*3*) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding, whether civil or criminal, which may lawfully be brought against any member of the State Police Reserve Force for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act, or the Rules thereunder, shall be commenced within six months after the act complained of was committed and not otherwise, and notice in writing of such proceeding and of the cause thereof shall be given to the defendant or his superior officer at least one month before the commencement of such proceeding :

Provided that such proceedings may, with the sanction of the State Government, be commenced at any time after the act complained of was committed.

Power to make rules.

21. (*1*) The State Government may make rules not inconsistent with this Act for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely :—

(*a*) regulating the number, classes and grades of the State Reserve Police Force ;

(*b*) administration of the State Reserve Police Force ;

(*c*) recruitment, organization, classification and discipline of the members of the subordinate ranks ;

(*d*) inspection of the Force ;

(*e*) description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the members of the Force.

SCHEDULE A.

(*See* section 6.)

Form of declaration to be signed before joining appointment in the State Reserve Police Force.

I, (Name in full) .....

.....

(designation in the case of a member of a Police force/address in the case of a direct recruit).....

declare that—

(1) I am willing to serve, wherever posted, in the State Reserve Police Force,

(2) I shall not be entitled to resign my appointment in the State Reserve Police Force or to apply for a transfer to any other Police Force until I have completed the prescribed period of service in the State Reserve Police Force, and

(3) I shall not be entitled to resign my appointment or to apply for the transfer in the manner specified in (2) above even after the completion of the prescribed period of service, if on the relevant date I am on active duty or if my resignation or transfer as the case may be would cause the vacancies in my Group to exceed such percentage of the sanctioned strength of the Group as may for the time being have been prescribed by the State Government.

Signature in token of the above declaration having been read out and explained to the declarant and of his having understood and accepted it. } .....

.....

Date .....

Place .....

Signed in my presence after I had satisfied myself that (Name in full).....

.....

(designation in the case of a member of a Police force/full address in the case of a direct recruit).....

.....

has understood and accepted the declaration and signed it in my presence.

Signature .....

Designation of the Officer before whom the declaration is signed. } Commandant or Assistant Commandant or Police Officer.

Date .....

Place .....

SCHEDULE B.

(*See* section 8.)

Form of Certificate for a State Reserve Police Officer below the rank of a Company Commander.

Seal
of the
Commandant.

A. B. has been appointed to the State Reserve Police Force in the State of Bombay and is vested with the powers, functions and privileges of a Reserve Police Officer under the Bombay State Reserve Police Force Act, 1951 (Bom. of 1951).

(Signature) .....

Commandant,
State Reserve Police Force,
Group.....

.....

THE BOMBAY (SECOND) REPEALING AND AMENDING ACT, 1951.

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PREAMBLE.

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1. Short title.
2. Repeal of certain enactments.
3. Amendment of certain enactments.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

BOMBAY ACT No. XXXIX OF 1951.[1]

[THE BOMBAY (SECOND) REPEALING AND AMENDING ACT, 1951.]

[*25th October 1951*]

An Act to repeal certain enactments and to amend certain other enactments.

WHEREAS it is expedient to repeal certain enactments and to amend certain other enactments for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay (Second) Repealing and Amending Act, 1951. Short title.

2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactments.

3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments.

THE FIRST SCHEDULE.

Repeals.

(*See* section 2.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1932	XV	Bombay Weights and Measures Act, 1932.	In section 3, in clause (10), the word " and ", where it occurs for the second time.
1950	XXIX	Bombay Public Trusts Act, 1950.	Clause (16) of section 2, section 27, the words " or scrip ", wherever they occur, in section 30, and the words " and scrips " in the marginal note to the said section 30, third entry relating to section 27 in the Table appended to section 66, and clause (*j*) of sub-section (2) of section 84.

THE SECOND SCHEDULE.

Amendments.

(*See* section 3.)

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898, in its application to the State of Bombay.	Section 197A, as inserted by section 2 of Bom. XX of 1951, shall be renumbered as section 197AA.

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1951, Part V, page 309.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1912	VII	Bombay Smoke-nuisances Act, 1912.	In the long title, preamble and in sub-section (*1*) of section 2, for the words "Town and Island of Bombay" the words "Greater Bombay" shall be substituted.
1928	IV	Bombay University Act, 1928.	(1) In section 13, in paragraph (*B*) in class I in sub-section (*1*),— (*a*) for clause (*iii*) the following shall be substituted, namely :— "(*iii*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, "; (*b*) for clause (*v*) the following shall be substituted, namely :— "(*v*) the Director of Agriculture or any other officer of the Agriculture Department designated by the State Government, ". (2) In section 20, for clause (*c*) of sub-section (*1*) the following shall be substituted, namely :— "(*c*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate ;"
1933	VI	Bombay Village Panchayats Act, 1933.	(1) In section 41, for clause (*d*) the following shall be substituted, namely :— "(*d*) Under the Bombay Prohibition Act, 1949—Being drunk and incapable of taking care of himself.. .. .. 85 (*1*)." (2) In sections 57, 107A and clause (*r*) of sub-section (*1*) of section 108, for the words "District Court or the District Magistrate" the words "District or the Sessions Court" shall be substituted ; (3) In sub-section (*3*) of section 72, for the words "District Magistrate", wherever they occur, the words "Sessions Judge" shall be substituted ; (4) In section 87B, for the words "District Magistrates" the words "Sessions Courts" shall be substituted ; (5) In clause (*i*) of sub-section (*2*) of section 106, for the words "District Court or District Magistrate" the words "District or Sessions Court" shall be substituted ; (6) In sub-section (*4*) of section 112, for the words "District Magistrate" the words "Sessions Court", and for the word "him" the word "it" shall be substituted.
1946	V	Bombay Sales Tax Act, 1946.	In section 21, in sub-section (*3*), for the word "sections" the word "section" shall be substituted.
1947	XXXII	Lord Reay Maharashtra Industrial Museum Act, 1947.	In section 17, in the marginal note, for the words "Poona City Borough Municipality" the words "Municipal Corporation of City of Poona" shall be substituted.
1947	LXI	Bombay Primary Education Act, 1947.	In section 2, in clause (8) for the words "the Director of Public Instruction" the words "the Director of Education" shall be substituted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1948	XX	Poona University Act, 1948.	(1) In section 16, in paragraph (B) in Class I in sub-section (*1*), for clauses (*iii*) to (*vii*) the following shall be substituted, namely :— "(*iii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*iv*) Four members designated by the State Government representing the following Departments, namely :— (*a*) Medical or Public Health, (*b*) Agriculture, (*c*) Industries, (*d*) Public Works," ; (2) In section 19, for clause (*ii*) of sub-section (*1*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Court,".
1948	XLIX	Bombay Secondary School Certificate Examination Act, 1948.	In section 3, in paragraph (A) of sub-section (*2*), for clauses (*a*) to (*d*) the following shall be substituted, namely :— "(*a*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government ; (*b*) the Director of Technical Education or any other officer of the Department of Technical Education designated by the State Government ; (*c*) the Director of Agriculture or any other officer of the Agriculture Department designated by the State Government ; (*d*) the Inspector of Commercial Schools, Bombay, or any other officer designated by the State Government to represent the Commercial Schools ;"
1949	XX	Karnatak University Act, 1949.	(1) In section 15, in paragraph (B) in Class I in sub-section (*1*), for clauses (*iii*) to (*x*) the following shall be substituted, namely :— "(*iii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*iv*) Six members designated by the State Government representing the following Departments, namely :— (*a*) Technical Education, (*b*) Medical or Public Health, (*c*) Agriculture, (*d*) Industries, (*e*) Public Works, (*f*) Forests, (*v*) Vice-Chancellors of other Universities established by law in the State of Bombay." (2) In section 18, for clause (*ii*) of sub-section (*1*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate,"

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1949	L	Gujarat University Act, 1949.	(1) In section 16, in paragraph (B) in Class I in sub-section (*1*), for clauses (*iv*) to (*x*) the following shall be substituted, namely :— "(*iv*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*v*) Six members designated by the State Government representing the following Departments, namely :— (*a*) Technical Education, (*b*) Medical or Public Health, (*c*) Agriculture, (*d*) Industries, (*e*) Public Works, (*f*) Forests," (2) In section 19, for clause (*iii*) of sub-section (*1*) the following shall be substituted, namely :— "(*iii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate ;"
1949	LI	Shreemati Nathibai Damodar Thackersey Women's University Act, 1949.	(1) In section 15, in paragraph (B) in Class I in sub-section (*1*), for clauses (*ii*) to (*viii*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State or the Joint or a Deputy Director of Education designated by the State Government, (*iii*) Four members designated by the State Government representing the following Departments, namely :— (*a*) Industries, (*b*) Medical or Public Health, (*c*) J. J. School of Arts, Bombay, (*d*) Co-operative and Village Industries. (*iv*) The Secretary, the Additional Secretary or the Joint Secretary to the Department of Education as the State Government may determine, (*v*) The Vice-Chancellors of other Universities established by law in the State of Bombay." (2) In section 39, for clause (*ii*) of sub-section (*2*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate,".
1949	LIX	Bombay Provincial Municipal Corporations Act, 1949.	(1) In section 465, in clause (*b*) of sub-section (*3*), for the words, brackets, letter and figure "clause (*b*) of sub-section (*2*)" the words, brackets, letter and figure "clause (*c*) of sub-section (*2*)" shall be substituted. (2) In the Schedule,— (*a*) in Chapter IX, in clause (*a*) of rule 8, for the word "or", where it occurs for the second time the word "of" shall be substituted ;

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
			(*b*) in Chapter XIV, in rule 4 and in the marginal note to the said rule, for the word, brackets and letter "clause (*c*)" the word, brackets and letter "clause (*e*)" shall be substituted.
950	XXVIII	Bombay Commissioners (Abolition of Office) Act, 1950.	In the Schedule, for the three items in column 2 against entry 7 relating to the Bombay Town Planning Act, 1915, the following shall be substituted, namely :— "1. In sections 4 (*1*), 10 (*2*) and 26 (*1*) the words 'in any area for which a municipal corporation is constituted under any enactment or the Commissioner elsewhere' shall be deleted; 2. In section 43, in sub-section (*3*) the words 'in the Greater Bombay or the Commissioner elsewhere' shall be deleted. 3. In section 45, in sub-section (*3*), the words 'in any area for which a municipal corporation is constituted under any enactment and by the Commissioner elsewhere' shall be deleted."
1951	XXIII	Bombay Separation of Judicial and Executive Functions Act, 1951.	In the Schedule,— (1) in Part I, for entry 67, the following shall be substituted, namely :— "67. In section 503, as inserted by section 21 of Act I of 1951, in sub-section (*2*),— (*i*) for the words 'such magistrate shall apply to the district magistrate' the following shall be substituted, namely :— 'such magistrate, if he is a judicial magistrate shall apply to the sessions judge and if he is an executive magistrate shall apply to the district magistrate,'; (*ii*) for the words 'and the district magistrate' the words 'and the sessions judge or the district magistrate, as the case may be,' shall be substituted." (2) in Part III, in item 2 of the entry relating to the Bombay Village Panchayats Act, 1933,— (*a*) after the figures "87", where they occur for the first time, the word "and" shall be inserted; (*b*) the word, figures and letter "and 87B", where they occur for the first time, shall be deleted.

BOMBAY ACT No. XLIV OF 1951.[1]

[THE BOMBAY DISTRICT MUNICIPAL AND MUNICIPAL BOROUGHS (AMENDMENT) ACT, 1951.]

[*27th November 1951*]

An Act to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925.

WHEREAS it is expedient to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Bom. III of 1901. Bom. XVIII of 1925.

1. This Act may be called the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1951. Short title.

2–5. [*The amendments made by sections 2–5 have been incorporated in the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925.*]

6. The enactment specified in the first column of the Schedule shall, in its application to the State of Bombay, be amended to the extent specified in the second column thereof. Amendment of enactment specified in Schedule.

SCHEDULE.

Enactment.	Extent of amendment.
1	2
Indian Electricity Act, 1910 (Act IX of 1910), ...	1. In section 3, after sub-section (*1*) the following sub-section shall be inserted, namely :— "(*1A*) If the applicant under sub-section (*1*) is a local authority, the area specified in the licence may include any area outside the area for which such local authority is constituted : Provided that under the enactment constituting such local authority, such local authority is authorised to supply energy in such area."

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1951, Part V, page 296.

Enactment.	Extent of amendment.
1	2
	2. In section 7, (*1*) in sub-section (*1*), after the words "is constituted," the words "inclusive of the area, if any, for which such local authority is authorised to supply energy under the enactment constituting such local authority" shall be inserted; (*2*) in sub-section (*2*), in clause (*b*) after the word "constituted" the words "inclusive of the area, if any, for which such local authority is authorised to supply energy under the enactment constituting such local authority" shall be inserted.

THE SALSETTE ESTATES (LAND REVENUE EXEMPTION ABOLITION) ACT, 1951.

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5. Forest rights.
6. Application of the Code to lands in estates.
7. Method of compensation for the extinguishment or modification of any rights in land.
8. Limitation.
9. Court fees.
10. Provisions of Bom. LXVII of 1948 to govern relations of estate-holder and tenants.
11. Rules.

SCHEDULE.

BOMBAY ACT No. XLVII OF 1951.[1]

[THE SALSETTE ESTATES (LAND REVENUE EXEMPTION ABOLITION) ACT, 1951.]

[*14th January 1952*]

An Act to abolish exemption from land revenue enjoyed by holders of certain estates in the Island of Salsette in the Bombay Suburban and Thana Districts in the State of Bombay.

WHEREAS it is expedient to abolish exemption from the payment of land revenue enjoyed by the holders of certain estates in the Island of Salsette in the Bombay Suburban and Thana Districts in the State of Bombay and to provide for certain other matters hereinafter appearing ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Salsette Estates (Land Revenue Exemption Abolition) Act, 1951.

(*2*) It extends to the villages specified in the Schedule in the Bombay Suburban and Thana Districts.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, direct.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

Bom. V of 1879.

(*a*) 'Code' means the Bombay Land Revenue Code, 1879 ;

(*b*) 'estate' means a village or a part thereof specified in the Schedule, and held under a kowl ;

(*c*) 'estate-holder' means a holder of an estate and includes any person lawfully holding under or through him ;

(*d*) 'kowl' means a lease, a farm or an agreement under which an estate is held from the State Government ;

(*e*) 'permanent holder' means a sutidar, a shilotridar, a peasant proprietor or a holder who was in possession of the land in an estate before the grant of the kowl and whose rights have not been acquired by the estate-holder or who permanently holds any land on payment of assessment to the estate-holder ;

(*f*) 'Schedule' means the Schedule appended to this Act.

(*2*) Any words or expressions which are defined in the Code and not defined in this Act shall be deemed to have the meaning given to them by the Code.

Liability of land in estates to land revenue and extinguishment of estate-holder's right to revenue assessment and reversion or lapse.

3. (*1*) Notwithstanding anything contained in the kowl, a decree or order of a court or any other instrument or any law for the time being in force, but subject to the provisions of sub-section (*3*),—

(*a*) all lands in any estate are and shall be liable to the payment of land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder ;

(*b*) (*i*) an estate-holder in respect of any land which is in his actual possession as an estate-holder or is in the possession of any person who holds the same through or under him and who is not a permanent holder, and

(*ii*) a permanent holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all the

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951, Part V, page 285.

rights and shall be liable to all the obligations in respect of such land under the Code or the rules made thereunder or any other law for the time being in force :

Provided that the amount of any rent or a sum of money payable by the estate-holder as consideration or otherwise under the terms of the kowl shall no longer be leviable.

(*2*) The right to recover assessment in respect of any land held by a permanent holder and the right of reversion or lapse, if any, in respect of such land under the terms of the kowl shall be deemed to have been extinguished.

(*3*) Nothing in sub-section (*1*) shall be deemed to affect the right of any person to hold any land in an estate wholly or partially exempt from the payment of land revenue under a special contract, or grant made or recognized by the terms of the kowl in respect of the estate or under a law for the time being in force in favour of any person other than the estate-holder.

Waste lands, etc., to vest in Government.

4. (*a*) All waste lands in any estate which under the terms of the kowl are not the property of the estate-holder,

(*b*) all waste lands in any estate which under the terms of the kowl are the property of the estate-holder but have not been appropriated or brought under cultivation before the 14th August 1951, and

(*c*) all other kinds of property referred to in section 37 of the Code situate in an estate which is not the property of any individual or an aggregate of persons legally capable of holding property other than the estate-holder and except in so far as any rights of persons may be established in or over the same and except as may be otherwise provided by any law for the time being in force, together with all rights in or over the same or appertaining thereto,

are and are hereby declared to be the property of the State and it shall be lawful to dispose of and sell the same by the authority in the manner and for the purposes prescribed in section 37 or 38 of the Code, as the case may be.

Forest rights.

5. The rights to trees specially those reserved by the Code, the Indian Forest Act, 1927, or any other law for the time being in force, shall vest in the State Government and nothing in this Act shall in any way affect the right of the State Government to apply the provisions of the Indian Forest Act, 1927, as in force in the State to forests in any of the estates. XVI of 1927. XVI of 1927.

Application of the Code to lands in estates.

6. Save as otherwise expressly provided in this Act, the provisions of the Code shall apply to lands in any estate.

Method of compensation for the extinguishment or modification of any rights in land.

7. (*1*) If any estate holder or any other person is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in any property and if such estate holder or person proves that such extinguishment or modification amounts to transference to public ownership of such property, such estate holder or person may apply to the Collector for compensation.

(*2*) Such application shall be made in the form prescribed by rules made under this Act within six months from the date on which this Act comes into force.

(*3*) The Collector shall after a formal inquiry in the manner provided by the Code award such compensation as he deems reasonable and adequate:

Provided that—

(*a*) the amount of compensation for the extinguishment of the right of reversion in lands in any estate shall not exceed the amount calculated at the rate of Rs. 10 per 100 acres of such lands;

(*b*) the amount of compensation for the extinguishment of any right in any waste land or in any other property referred to in clause (*c*) of section 4, which under the terms of the kowl was the property of the estate holder shall not exceed the amount calculated at the rate of Rs. 25 per 100 acres of such land:

Provided further that, in the case of the extinguishment or modification of any other right of any estate holder or any right of any other person, the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894.

I of 1894.

(*4*) Subject to the provisions of sub-section (*5*), the award of the Collector shall be final.

(*5*) Any person aggrieved by the award or decision of the Collector may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939.

Bom XII of 1939.

(*6*) In deciding appeals under sub-section (*5*), the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908.

V of 1908.

8. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal. **Limitation.**

IX of 1908.

9. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. **Court fees.**

VII of 1870.

10. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any of the lands in any estate or the mutual rights and obligations of an estate holder and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. **Provisions of Bom. LXVII of 1948 to govern relations of estate holder and tenants.**

Bom. LXVII of 1948.

11. The State Government may make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication and shall, when finally made, be published in the *Official Gazette*. **Rules.**

SCHEDULE.

[*See* section 2 (*1*)(*f*)]

Bombay Suburban District.

1. Deonar.
2. Borla.
3. Kirol.
4. Kanjur.
5. Bhandup.
6. Vikroli.
7. Vyaravli.
8. Chendavli.
9. Powai.
10. Tirandaj.
11. Kopri.
12. Sanki.
13. Paspoli.
14. Tangwan.
15. Kurla.
16. Marol.
17. Asalpay.
18. Kole Kalyan.
19. Mohili.
20. Parjapur.
21. Shahar.
22. Mogra (Mogray).
23. Wasivre (Oshivra).
24. Bandhivli.
25. Maravli.
26. Mahul.
27. Vile Parle.
28. Juhu.
29. Hirali.
30. Majas.

Thana District.

1. Varsawa Boreghat.
2. Chena.
3. Ghodbunder.
4. Bhayander.
5. Mira.
6. Chinchevli.
7. Dindoshi.
8. Akurli.
9. Borivde.
10. Dahisar.
11. Magatana.
12. Arey.
13. Kaneri.
14. Part Pahadi.
15. Goregaon.
16. Poisar.
17. Walnai.
18. Wadhwan.
19. Eksar.
20. Malad.
21. Tulsi.

THE BOMBAY HOMOEOPATHIC ACT, 1951.

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SCHEDULE I.
SCHEDULE II.

BOMBAY ACT No. XLVIII OF 1951.[1]

[THE BOMBAY HOMOEOPATHIC ACT, 1951.]

[*23rd January 1952*]

An Act to regulate the qualifications and to provide for the registration of practitioners of the Homoeopathic System of Medicine in the State of Bombay.

WHEREAS it is expedient to regulate the qualifications and to provide for the registration of practitioners of the Homoeopathic System of Medicine in the State of Bombay; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Homoeopathic Act, 1951.

(*2*) It extends to the whole of the State of Bombay.

(*3*) Chapters I, IV and VI shall come into force at once. The State Government may, by notification in the *Official Gazette*, direct that the remaining provisions of this Act shall come into force on such date as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*1*) "Board" means the Board of Homoeopathic System of Medicine, Bombay, established under section 3;

(*2*) "Court" means the Court of Examiners constituted under section 17;

(*3*) "Homoeopathy" means the system of medicine founded by Dr. Hahnemann and the expression "homoeopathic" shall be construed accordingly;

(*4*) "Inspector" means an Inspector appointed by the Board under sub-section (*4*) of section 15;

(*5*) "member" means a member of the Board;

(*6*) "practitioner" means a person who practises the Homoeopathic system of medicine, as his principal occupation;

(*7*) "prescribed" means prescribed by rules;

(*8*) "President" means the President of the Board;

(*9*) "qualifying examination" means an examination in homoeopathic system of medicine specified in Schedule I and includes any previous examination as a preliminary to such examination;

(*10*) "register" means a register of practitioners prepared and maintained under this Act;

(*11*) "registered practitioner" means a practitioner whose name is for the time being entered in the register;

(*12*) "Registrar" means the Registrar appointed under section 15;

(*13*) "regulations" means regulations made under section 38;

(*14*) "Rules" means rules made under section 37.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951, Part V, page 340.

CHAPTER II.

ESTABLISHMENT OF BOARD.

Establishment, constitution and incorporation of Board.

3. (*1*) The State Government may, as soon as may be, by notification in the *Official Gazette* constitute a Board, to be called "the Board of Homoeopathic System of Medicine, Bombay". The Board shall be a body corporate and have perpetual succession and a common seal and may by the said name sue and be sued.

(*2*) The Board shall consist of eleven members including the President and shall be constituted in the following manner, namely:—

(*i*) A President who shall be a registered practitioner;

(*ii*) Five members nominated by the State Government out of whom two at least shall be registered practitioners; and

(*iii*) Five members elected by the registered practitioners from amongst themselves as follows:—

(*a*) three from among practitioners whose names are entered in Part A of the register; and

(*b*) two from among practitioners whose names are entered in Part B of the register:

Provided that—

(*a*) for a period of ten years after coming into force of this Chapter, the President shall be appointed by the State Government;

(*b*) at the first and subsequent constitution of the Board after the expiry of the said period of ten years, the President shall be elected by the members from among themselves and the number of members to be elected by registered practitioners in Part A of the register shall be four.

Appointment of members in default of election.

4. If at any election the electors fail to elect the requisite number of members, the State Government shall nominate such registered practitioners, as it deems fit, to fill the vacancies and the practitioners so nominated shall for the purpose of section 3 be deemed to have been duly elected under the said section.

Election of members.

5. The election of members under section 3 shall be held at such time and at such place and in such manner as may be prescribed.

Term of office.

6. (*1*) Save as otherwise provided by this Act, the term of office of the members whether elected or nominated, shall be for a period of five years commencing from the date on which the first meeting of the Board is held after the election of the members under section 3.

(*2*) An out-going member shall continue in office until the election or nomination of his successor, as the case may be.

(*3*) An out-going member shall be eligible for re-election or re-nomination.

Extension of period of Board.

7. Notwithstanding anything contained in section 6, the State Government may extend the term of office of the members to any further period not exceeding one year.

8. In the event of the death, resignation, removal, disability or disqualification of a member or the President, or otherwise previous to the expiry of the period of his office, the vacancy shall be filled in the prescribed manner. Any person elected or nominated to fill the vacancy shall, notwithstanding anything contained in section 6, hold office only so long as the person in whose place he is elected or nominated would have held office if the vacancy had not occurred. **Vacancies.**

9. (*1*) Any member may at any time resign his office by a letter addressed to the President. Such resignation shall take effect from the date on which it is accepted by the Board. **Resignation.**

(*2*) The President, if appointed by the State Government, may at any time resign his office by a letter addressed to the State Government. If the President is elected, he may resign his office by a letter addressed to the Board. The resignation shall take effect from the date on which it is accepted by the State Government, or the Board, as the case may be.

10. If any member— **Disability.**

(*a*) absents himself from three consecutive ordinary meetings of the Board without such reasons as may, in the opinion of the State Government in the case of the President, and in the case of any other member in the opinion of the Board, be sufficient, or

(*b*) becomes subject to any of the disqualifications mentioned in section 11,

the State Government or the Board, as the case may be, shall declare his office vacant.

11. No person— **Disqualification.**

(*a*) who is an undischarged insolvent,

(*b*) who has been adjudged to be of unsound mind by a competent Court,

(*c*) whose name has been removed from the register, or

(*d*) who is a full time officer or servant of the Board,

shall be eligible for being elected or nominated or for continuing to be a member.

12. No disqualification or defect in the election, nomination or appointment of any person as a member or as the President or as a presiding authority of a meeting shall of itself invalidate any act or proceeding of the Board in which such person has taken part. **Validity of proceedings.**

13. The Board shall meet at such time and place and every meeting shall be summoned in such manner as may be provided for by regulations: **Time and place of meetings of Board.**

Provided that until such regulations are made, it shall be lawful for the President to summon a meeting of the Board at such time and place as he may deem expedient by circulating a notice to each member.

14. (*1*) The President, if present, shall preside at every meeting of the Board. In the absence of the President, the members present shall elect one of themselves to preside. **Procedure at meetings of Board.**

(*2*) All questions at a meeting of the Board shall be decided by the votes of the majority of the members present and voting at the meeting.

(*3*) Six members including the President shall form a quorum.

(*4*) The President or the person presiding at a meeting shall have a second or casting vote in case of an equality of votes.

Registrar and other employees of Board.

15. (*1*) The Board shall, with the previous sanction of the State Government, appoint a Registrar. The Registrar shall receive such salary and allowances as may be prescribed.

(*2*) The Board may from time to time grant him leave and may appoint a person with the previous sanction of the State Government to act in his place during his leave or absence; provided that if the period of such leave does not exceed two months, such leave may be granted by the President who shall also make temporary appointment of any other person to act during the said period and report the appointment to the State Government. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for the purposes of this Act.

(*3*) An appeal shall lie to the State Government from every order of the Board punishing or removing any person from the office of the Registrar.

(*4*) The Board may appoint Inspectors and such other officers and servants as may be necessary for the purposes of this Act.

(*5*) The Registrar and any other officer or servant appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

(*6*) The Registrar shall be the Secretary and the executive officer of the Board.

Powers and functions of the Board.

16. The Board shall exercise such powers and perform such functions as may be prescribed by or under the provisions of this Act or as the State Government may direct for carrying out the provisions of this Act.

CHAPTER III.

Court of Examiners.

Court of Examiners.

17. (*1*) The State Government may, by notification in the *Official Gazette*, constitute a Court of Examiners which shall consist of seven persons including the Chairman, as follows :—

(*i*) the Surgeon General, who shall be the Chairman of the Court;
(*ii*) three persons elected by the Board from amongst its members; and
(*iii*) three persons nominated by the State Government:

Provided that every person elected under clause (*ii*) shall continue to hold office of a member of the Court only so long as he is a member of the Board:

Provided further that pending the election of such persons by the Board after its constitution for the first time, the State Government shall nominate three persons who shall be the registered practitioners or entitled to have their names entered in the register. The persons so nominated shall hold office until the Board has elected all the three persons under this sub-section.

(*2*) The members of the Court shall hold office for such period as may be prescribed.

(*3*) Any vacancy in the office of the members of the Court shall be filled in the prescribed manner and any person elected or nominated to fill any vacancy shall hold office only so long as the person in whose place he is elected or nominated would have held office, if the vacancy had not occurred.

(*4*) Any member of the Court other than the Chairman may at any time resign his office by a letter addressed to the Chairman. Such resignation shall take effect from the date on which it is accepted by the Court.

(*5*) It shall be the duty of the Court to appoint examiners and to conduct examinations held by it, to make recommendations to the State Government through the Board in respect of the course of studies, and to perform such other duties and functions as may be prescribed.

(*6*) The Court shall meet at such time and such place and the procedure regarding its working shall be such as may be prescribed.

CHAPTER IV.

REGISTRATION.

Preparation of first Register.

18. (*1*) The State Government shall, as soon as may be, cause to be prepared a register of homoeopathic practitioners for the State.

(*2*) The register shall include the following particulars, namely :—

(*a*) the full name, nationality and residential address of the registered practitioner ;

(*b*) the date of his first admission to the register ;

(*c*) the qualification for registration and the date on which he obtained his degree or diploma in homoeopathy, if any, and the authority which conferred or granted it ;

(*d*) his professional address ; and

(*e*) such further particulars as may be prescribed.

(*3*) The register shall be divided into three parts :—

(*i*) *Part A.*—This part shall include—

(*a*) persons who have been engaged in the practice of the Homoeopathic system of medicine for a period of not less than ten years immediately before the date of the coming into force of this Chapter as the principal occupation,

(*b*) persons who have received personal clinical instruction for a period of not less than two years in a hospital where indoor patients are kept and where the service includes surgery, gynaecology and midwifery and Homoeopathic medicine and passed an examination in the said subjects approved by the Registration Tribunal ;

Bom. VI of 1912. Bom. XXVI of 1938.

(*ii*) *Part B.*—This part shall include medical practitioners who are registered under the Bombay Medical Act, 1912, or the Bombay Medical Practitioners' Act, 1938, and who practise the Homoeopathic system of medicine ; and

(*iii*) *Part C.*—Other persons who have been in practice of the Homoeopathic system of medicine as the principal occupation at the aforesaid date :

Provided that the entries of the names of persons in Part C shall be provisional and their names shall be removed from the register unless they pass only the third and final examination in the subjects specified in Part I and Part II for the diploma of L. C. E. H. specified in Schedule I within a period of seven years from the aforesaid date :

Provided further that if any such person passes the final examination in the subjects referred to in the preceding proviso within the period specified therein, the entries of the names of such persons shall be transferred from Part C to Part A of the register.

Registration Tribunal.

19. (*1*) For the purpose of the preparation of the first register, the State Government may by notification in the *Official Gazette* constitute a Registration Tribunal consisting of three persons out of whom two shall be persons who are entitled to have their names entered in the register and shall appoint a Secretary of the Tribunal.

(*2*) The State Government by the same or a like notification shall appoint a date (which date shall be not later than the expiry of [1][one year] from the date of the coming into force of this Chapter) on or before which application for registration shall be made to the Registration Tribunal. Such application shall be accompanied by a fee of Rs. 10.

[2][Provided that in respect of persons eligible for registration under sub-clause (*b*) of clause (*i*) of sub-section (*3*) of section 18, such applications for registration may be made to the Registration Tribunal before the expiry of two months from the date of the coming into force of the Bombay Repealing and Amending Act, 1955.] Bom. II of 1955.

(*3*) The Registration Tribunal shall examine every application received on or before the appointed date and after making inquiry in the prescribed manner if it is satisfied that the applicant is qualified for registration under section 18 shall direct the entry of the name of the applicant in the register in the part in which he is entitled to have his name entered.

(*4*) The register so prepared shall thereafter be published in such manner as the State Government may direct, and any person aggrieved by a decision of the Registration Tribunal, express or implied, in the register as so published may within thirty days from the date of the publication of the register, appeal to an authority appointed by the State Government in this behalf by a notification in the *Official Gazette* on payment of a fee of Rs. 5.

(*5*) The Secretary shall amend the register in accordance with the decision of the authority appointed under sub-section (*4*) and shall thereupon issue to every practitioner whose name is entered in the register a certificate of registration in the prescribed form.

Custody of register.

20. (*1*) Upon the constitution of the Board for the first time after the commencement of this Act, the register shall be given into its custody and the State Government may direct that all or any specified part of the application fees for registration in the first register shall be paid to the credit of the Board. The State Government shall publish in the *Official Gazette* the date on which the register is given in the custody of the Board.

(*2*) It shall be the duty of the Board to maintain and revise the register in accordance with the provisions of this Act and the rules.

Qualifications for subsequent registration.

21. After the constitution of the Board referred to in sub-section (*1*) of section 20, a person shall on payment of Rs. 10 be entitled to have his name entered in the register, only if he possesses any of the qualifications specified in Schedule I.

Undertaking to be given for entering name in register.

22. The name of any practitioner shall not be entered either in the first register or a register maintained under section 20, unless he gives an undertaking in writing that he shall not use any degree, diploma or licence which is identical with or is a colourable imitation of any degree, diploma or licence granted by a body or institution authorised under the Indian Medical Degrees Act, 1916, the Bombay Medical Act, 1912, the Indian Medical Council Act, 1933, or the Bombay Medical Practitioners' Act, 1938. It shall be lawful for such persons to use after his name the words "Registered Practitioner of Homoeopathy" in full to indicate that his name has been entered in the register. VII of 1916. Bom. VI of 1912. XXVII of 1933. Bom. XXVI of 1938.

[1] These words were substituted for the words "six months" by Bom. 9 of 1952, s. 2.
[2] This proviso was added by Bom. 2 of 1955, s. 3, Second Schedule.

(*5*) It shall be the duty of the Court to appoint examiners and to conduct examinations held by it, to make recommendations to the State Government through the Board in respect of the course of studies, and to perform such other duties and functions as may be prescribed.

(*6*) The Court shall meet at such time and such place and the procedure regarding its working shall be such as may be prescribed.

CHAPTER IV.

REGISTRATION.

18. (*1*) The State Government shall, as soon as may be, cause to be prepared a register of homoeopathic practitioners for the State. Preparation of first register.

(*2*) The register shall include the following particulars, namely :—

(*a*) the full name, nationality and residential address of the registered practitioner;

(*b*) the date of his first admission to the register;

(*c*) the qualification for registration and the date on which he obtained his degree or diploma in homoeopathy, if any, and the authority which conferred or granted it;

(*d*) his professional address; and

(*e*) such further particulars as may be prescribed.

(*3*) The register shall be divided into three parts :—

(*i*) *Part A.*—This part shall include—

(*a*) persons who have been engaged in the practice of the Homoeopathic system of medicine for a period of not less than ten years immediately before the date of the coming into force of this Chapter as the principal occupation,

(*b*) persons who have received personal clinical instruction for a period of not less than two years in a hospital where indoor patients are kept and where the service includes surgery, gynaecology and midwifery and Homoeopathic medicine and passed an examination in the said subjects approved by the Registration Tribunal;

(*ii*) *Part B.*—This part shall include medical practitioners who are registered under the Bombay Medical Act, 1912, or the Bombay Medical Practitioners' Act, 1938, and who practise the Homoeopathic system of medicine; and

Bom. VI of 1912. Bom. XXVI of 1938.

(*iii*) *Part C.*—Other persons who have been in practice of the Homoeopathic system of medicine as the principal occupation at the aforesaid date:

Provided that the entries of the names of persons in Part C shall be provisional and their names shall be removed from the register unless they pass only the third and final examination in the subjects specified in Part I and Part II for the diploma of L.C.E.H. specified in Schedule I within a period of seven years from the aforesaid date:

Provided further that if any such person passes the final examination in the subjects referred to in the preceding proviso within the period specified therein, the entries of the names of such persons shall be transferred from Part C to Part A of the register.

Registration Tribunal.

19. (*1*) For the purpose of the preparation of the first register, the State Government may by notification in the *Official Gazette* constitute a Registration Tribunal consisting of three persons out of whom two shall be persons who are entitled to have their names entered in the register and shall appoint a Secretary of the Tribunal.

(*2*) The State Government by the same or a like notification shall appoint a date (which date shall be not later than the expiry of six months from the date of the coming into force of this Chapter) on or before which application for registration shall be made to the Registration Tribunal. Such application shall be accompanied by a fee of Rs. 10.

(*3*) The Registration Tribunal shall examine every application received on or before the appointed date and after making inquiry in the prescribed manner if it is satisfied that the applicant is qualified for registration under section 18 shall direct the entry of the name of the applicant in the register in the part in which he is entitled to have his name entered.

(*4*) The register so prepared shall thereafter be published in such manner as the State Government may direct, and any person aggrieved by a decision of the Registration Tribunal, express or implied, in the register as so published may within thirty days from the date of the publication of the register, appeal to an authority appointed by the State Government in this behalf by a notification in the *Official Gazette* on payment of a fee of Rs 5.

(*5*) The Secretary shall amend the register in accordance with the decision of the authority appointed under sub-section (*4*) and shall thereupon issue to every practitioner whose name is entered in the register a certificate of registration in the prescribed form.

Custody of register.

20. (*1*) Upon the constitution of the Board for the first time after the commencement of this Act, the register shall be given into its custody and the State Government may direct that all or any specified part of the application fees for registration in the first register shall be paid to the credit of the Board. The State Government shall publish in the *Official Gazette* the date on which the register is given in the custody of the Board.

(*2*) It shall be the duty of the Board to maintain and revise the register in accordance with the provisions of this Act and the rules.

Qualifications for subsequent registration.

21. After the constitution of the Board referred to in sub-section (*1*) of section 20, a person shall on payment of Rs. 10 be entitled to have his name entered in the register, only if he possesses any of the qualifications specified in Schedule I.

Undertaking to be given for entering name in register.

22. The name of any practitioner shall not be entered either in the first register or a register maintained under section 20, unless he gives an undertaking in writing that he shall not use any degree, diploma or licence which is identical with or is a colourable imitation of any degree, diploma or licence granted by a body or institution authorised under the Indian Medical Degrees Act, 1916, the Bombay Medical Act, 1912, the Indian Medical Council Act, 1933, or the Bombay Medical Practitioners' Act, 1938. It shall be lawful for such persons to use after his name the words "Registered Practitioner of Homoeopathy" in full to indicate that his name has been entered in the register.

VII of 1916. Bom. VI of 1912. XXVII of 1933. Bom. XXVI of 1938.

23. (*1*) It shall be the duty of the Registrar to make entries in the register, from time to time to revise the same and to issue the certificates of registration in accordance with the provisions of this Act, the rules and the orders of the Board. Maintenance of register.

(*2*) The names of registered practitioners who die or whose names are directed to be removed from the register under sub-section (*4*) or section 24 shall be removed therefrom.

(*3*) The Board may direct that any alteration in the entries as respects additional qualifications shall not be made except on payment of such fee as may be prescribed.

(*4*) For the purpose of this section, the Registrar may at any time write by registered post to any registered practitioner at the address which is entered in the register to inquire whether he has ceased to practise or has changed his residence and, if no answer is received to the said letter within six months, the Registrar may remove the name of the said practitioner from the register. Such inquiry shall be made at least once one year before the term of office of the members of the Board is about to expire:

Provided that the Board, if it is satisfied that the said practitioner has not ceased to practise, on the application of the said practitioner may direct his name to be entered in the register.

24. (*1*) The Board may direct that the name of any practitioner who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, which discloses such defect of moral character as is, in the opinion of the Board, sufficient to make him unfit to practise his profession or who after due inquiry has been found guilty of conduct, which is in the opinion of the Board infamous in any professional respect, shall be removed from the register. On such removal, the certificate of registration issued to the practitioner shall be deemed to have been cancelled. The Board may, on sufficient cause being shown, also direct that the name of the practitioner so removed shall be re-entered in the register. Removal of names from register.

V of 1898.

(*2*) If the name of the practitioner is entered in a register maintained under the Bombay Medical Act, 1912, or the Bombay Medical Practitioners' Act, 1938, it shall be the duty of the Board to give intimation of such removal to the authority entitled to maintain the said register.

Bom. VI of 1912. Bom. XXVI of 1938.

(*3*) If the name of a practitioner referred to in sub-section (*2*) is removed from any of the registers maintained under the Acts referred to in the said sub-section the Board shall also remove his name from the register. On such removal the certificate of registration issued to the practitioner shall be deemed to have been cancelled.

25. (*1*) Notwithstanding anything contained in section 19 or 21, the Board may direct that a renewal fee of such amount as may be approved by the State Government shall be paid by each practitioner for the continuation of his name in the register. Renewal fee.

(*2*) If the renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the register. On such removal, the certificate of registration issued to the practitioner shall be deemed to have been cancelled:

Provided that the name so removed may be re-entered in the register on payment of the renewal fee in such manner and subject to such conditions as may be prescribed and a new certificate of registration may be reissued.

No refund of fees.

26. Fees paid under sections 19, 21, 23 and 25 shall not be refunded.

Qualified medical practitioners.

27. Notwithstanding anything in any law for the time being in force—

(*i*) the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word importing a person recognised by law as a medical practitioner or member of medical profession shall in all Acts of Legislature in the State of Bombay and in all Central Acts in their application to the State of Bombay in so far as such Acts relate to any matters specified in List II or List III in the Seventh Schedule to the Constitution include a practitioner whose name is entered in Part A or Part B of the register ;

(*ii*) a certificate required by any Act from any medical practitioner or medical officer shall be valid, if such certificate has been signed by a practitioner whose name is entered in Part A or Part B of the register ;

(*iii*) a practitioner whose name is entered in Part A or Part B of the register shall be eligible to hold any appointment as a physician or other medical officer in any Homoeopathic dispensary, hospital or infirmary supported by or receiving a grant from the State Government and treating patients according to the Homoeopathic system of medicine or in any public establishment, body or institution dealing with such system of medicine.

Notice of death.

28. Every Registrar of Deaths on receiving notice of the death of a registered practitioner shall forthwith transmit by post to the Registrar a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificate and transmission as an expense of his office.

CHAPTER V.

Course of Studies, Qualifying Examinations and Recognition of Institutions.

Course of studies and qualifying examinations.

29. (*1*) The course of studies and the examinations specified in Schedule I shall be the course of studies and the qualifying examinations held for the purpose of granting a diploma or a degree conferring the right of registration under this Act and such other course of studies and examinations as may, on the recommendation of the Board, be included in Schedule I by the State Government by notification in the *Official Gazette*.

(*2*) The Board may recommend to the State Government for recognition of institutions to give instruction in the Homoeopathic system of medicine or to hold examinations therein.

(*3*) It shall be the duty of the Board to secure maintenance of an adequate standard—

(*i*) of instruction in each of the subjects of the course of studies specified in Schedule I and for the purposes of securing such standard the Board shall have authority to call on the governing body or the authorities of any institution giving such instruction—

(*a*) to furnish such particulars as the Board may require about the details of instruction ;

(*b*) to permit Inspectors to inspect the institution ;

(*ii*) in each of the qualifying examinations specified in Schedule I and for the purpose of securing such standard, the Board shall have an authority to call on the governing body or authorities of any institution authorised to hold any of such examinations—

(*a*) to furnish such particulars as the Board may require about the conduct of such examinations ;

(*b*) to permit Inspectors to be present at the examinations and to report to the Board about the nature of the questions asked, the standard of giving marks and such other details as the Board may require.

(*4*) It shall also be the duty of the Board to inspect all institutions recognised under section 30 once at least in every five years.

30. (*1*) Any institution applying for recognition under this Act shall send an application to the Registrar and shall give full information in respect of the following matters :— **Recognition of institutions.**

(*a*) the constitution and personnel of the governing or managing body ;

(*b*) subjects and courses on which it gives or proposes to give instruction ;

(*c*) accommodation, equipment and the number of students for whom provision has been made or is proposed to be made ;

(*d*) the strength of the staff, their salaries, qualifications and the research work done by them ;

(*e*) fees levied or proposed to be levied and the financial provision made for the capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(*2*) Any institution applying for recognition to hold qualifying examinations shall send an application to the Registrar and shall give full information in respect of particulars specified in clauses (*b*) to (*e*) of sub-section (*1*) and such other particulars as the Board may require.

(*3*) The Registrar shall place the application before the Board and the Board may direct the Registrar to call for any further information which it may deem necessary. The Board may also direct a local inquiry to be made by a competent person or persons authorised by it in this behalf.

(*4*) After recording the report of such local inquiry and after making such further inquiry as may be necessary, the Board shall forward the application with its report to the State Government stating its opinion whether the recognition asked for should or should not be granted. The State Government may thereupon grant or refuse the recognition or may grant it subject to such conditions as it deems fit. The decision of the State Government shall be final.

31. If it shall appear to the State Government on the report of the Board or otherwise that the instruction given in any recognised institution or the qualifying examination conducted by any of the institutions recognised to hold such examinations are not such as to secure the maintenance of the adequate standard of proficiency for the practice of surgery and midwifery and Homoeopathic medicine, it shall be lawful for the State Government from time to time to direct that the recognition of any institution for the purpose of giving instruction or holding an examination under section 29 shall be withdrawn and the said institution shall not be authorised to give instruction or to hold the examination, as the case may be : **Removal of institution authorised to hold qualifying examination.**

Provided that before any direction for the withdrawal of the recognition of any institution is made under this section, the said institution shall be required to take steps within such time as may be specified in this behalf by the State Government to remedy the defect.

Alteration of Schedule I.

32. If it shall appear to the State Government on the report of the Board or otherwise that it is necessary or expedient to modify Schedule I by making any addition or alteration in the course of studies or the examinations specified therein, the State Government may, after calling for the report of the Board, if it has not already made the report and after making such inquiries as it thinks fit, make addition or alteration in Schedule I by notification in the *Official Gazette* and Schedule I shall upon the publication of such addition or alteration be deemed to have been so modified from the date specified in the notification.

CHAPTER VI.

MISCELLANEOUS.

Exemption from serving on inquests, etc.

33. Notwithstanding anything contained in any other law for the time being in force, every registered practitioner shall be exempt, if he so desires, from serving on an inquest, or as a juror or assessor under the Code of Criminal Procedure, 1898. V of 1898.

Fees and allowances to members.

34. There shall be paid to the members of the Board and the Court such fees and allowances for attendance and such reasonable travelling allowances as shall from time to time be prescribed.

Income and expenses of the Board.

35. (*1*) The income of the Board shall consist of—

(*a*) fees received from practitioners and examinees,
(*b*) the fees, if any, collected by the Court,
(*c*) grants received from the Government,
(*d*) donations and other sums received by the Board.

(*2*) The expenses of the Board shall include the salaries and allowances of the Registrar, the staff appointed by the Board including Inspectors, and fees and allowances paid to members of the Board and the Court, expenses for the conduct of examinations and such other expenses as are necessary for carrying out the purposes of this Act. The State Government may also direct the Board to pay such other expenses to the Court as it thinks fit.

Publication of list of practitioners.

36. The Registrar shall at least three months before the date fixed for the election of the Board, cause to be printed and published a correct list of the names and qualifications of all practitioners for the time being entered in the register and the dates when such qualifications were acquired.

Rules.

37. (*1*) The State Government may, after previous publication, make rules to carry out all or any of the other purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power the State Government may make rules for any of the following matters :—

(*a*) the time and place at which and the manner in which election shall be held under section 5 ;

(*b*) the manner in which vacancies shall be filled under section 8 ;

(*c*) the salary, allowances and other conditions of service of the Registrar under section 15 ;

(*d*) the powers to be exercised and functions to be performed by the Board under section 16 ;

(*e*) the period for which the members of the Court shall hold office under sub-section (*2*), the manner of filling vacancy under sub-section (*3*), the duties and functions to be performed by the Court under sub-section (*5*) and the time and place of the meeting and the procedure to be followed regarding its working under sub-section (*6*) of section 17 ;

(*f*) the particulars to be entered in the register under clause (*e*) of sub-section (*2*) of section 18 ;

(*g*) the manner of making inquiry under sub-section (*3*), and the form of certificate under sub-section (*5*) of section 19 ;

(*h*) the fees chargeable for the alteration of entries as respects additional qualifications under sub-section (*3*) of section 23 ;

(*i*) the manner of payment of renewal fee and conditions subject to which such fee shall be paid under the proviso to sub-section (*2*) of section 25 ;

(*j*) the fees and other allowances to members of the Board and Court under section 34 ;

(*k*) any other matter which is to be or may be prescribed under this Act ;

(*l*) the furtherance of any of the objects of this Act.

38. (*1*) The Board may, with the previous sanction of the State Government, make regulations not inconsistent with this Act or the rules for any of the following matters, namely :— **Regulations.**

(*a*) the time and place at which and the manner in which the Board shall hold its meetings under section 13 ;

(*b*) the salary, allowances and other conditions of service of officers and servants of the Board and the Court other than the Registrar under section 15 ;

(*c*) the language in which the examinations shall be conducted and instruction shall be given ;

(*d*) the detailed curriculum, the number of lectures, the period of terms devoted to practical and clinical studies in each subject and the recommendation of text books, if any ;

(*e*) the conditions of appointment of examiners and fees to be paid to them, the conduct of examinations and the fees to be charged for the conduct of such examinations ;

(*f*) all other matters which are not prescribed by rules, but which are necessary for the purpose of carrying out the objects of this Act :

Provided that the Board shall, before proposing any regulation under clause (*b*), (*c*), (*d*), (*e*) or (*f*), consult the Court and in case of difference of opinion between the Board and the Court in respect of any such regulation, the Board shall, while submitting such regulation to the State Government for sanction, report the grounds for such difference of opinion.

(*2*) The State Government on receiving the draft regulations may sanction or refuse to sanction the same or sanction them subject to such modifications as it may think fit or return them to the Board for further consideration.

(*3*) All regulations, when sanctioned, shall be published in the *Official Gazette*.

(*4*) The State Government may by notification cancel any regulation.

Control of State Government.

39. (*1*) If at any time it appears to the State Government that the Board has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Act, or has failed to perform any of the duties conferred upon it, by or under this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Board, and if the Board fails to remedy such failure, excess or abuse within such time as the State Government may fix in this behalf, the State Government may dissolve the Board and cause all or any of the powers or duties of the Board to be exercised and performed by such person and for such period not exceeding two years as it may think fit and shall take steps to constitute a new Board.

(*2*) Notwithstanding anything contained in this Act, rules or regulations, if at any time it shall appear to the State Government that the Board or any other authority empowered to exercise any of the powers or to perform any of the functions under this Act, has not been validly constituted or appointed, the State Government may cause any of such powers or functions to be exercised or performed by such person in such manner and for such period not exceeding six months and subject to such conditions as it thinks fit.

CHAPTER VII.

AMENDMENTS AND SCHEDULES.

Amendment of Bom. XXVI of 1938.

40. The provisions of the Bombay Medical Practitioners' Act, 1938, specified in column 1 of Schedule II shall be amended in the manner and to the extent specified in column 2 of the said Schedule from the date on which the register shall be given in the custody of the Board under section 20.

SCHEDULE I.

(Section 29.)

I. COURSE OF STUDIES.

G. C. E. H.—

Pre-admission qualification.—Intermediate Science B group of the Bombay University or an equivalent examination.

1st Examination—

Period of study.—2 years after admission.

Subjects.—Anatomy including embryology. Physiology including biophysics and biochemistry.

Pharmacology of important ayurvedic unani and allopathic drugs.

Organon and Homoeopathic Philosophy, Homoeopathic materia medica, pharmacy and dispensing.

Examination.—Two papers of three hours' duration in Anatomy and Physiology each with practical and *viva voce* examinations.

One paper of three hours' duration in Pharmacology.

One paper of three hours' duration in Organon and Homoeopathic Philosophy.

One paper of three hours' duration in Homoeopathic materia medica, pharmacy and dispensing and a practical and *viva voce* examination.

Final Examination—

Period of study.—Three years after 1st examination. Both parts may be taken together or separately.

Part I.

Subjects.—(1) Medicine including advanced Homoeopathic Philosophy, Homoeopathic materia medica, Therapeutics and Repertory and chronic miasma. (2) Pathology and Bacteriology. (3) Forensic Medicine. (4) Hygiene.

Examination.—Two papers of 3 hours' duration and a clinical, practical and *viva voce* examination in Medicine.

One paper of 3 hours' duration in each of the other three subjects and a practical and *viva voce* examination.

Part II.

Subjects.—Surgery, Midwifery and Gynæcology, Ophthalmology.

Examination.—One paper of 3 hours' duration and a clinical, practical and *viva voce* examination in each subject.

L. C. E. H.—

Pre-admission qualification.—Matriculation or S. S. C. Examination with Science.

1st Examination—

Period of study.—6 months.

Subjects.—Elementary { Physics. Chemistry. Biology. }

Examination.—One paper of 3 hours and a practical examination in each subject.

2nd Examination—

Period of study.—18 months after 1st examination.

Subjects.—Anatomy, Physiology, Pharmacology of important allopathic, unani and ayurvedic drugs. Homoeopathic materia medica, pharmacy and dispensing, Homoeopathic Philosophy. Organon.

Examination.—A paper of 3 hours' duration and a practical and *viva voce* examination each in (1) Anatomy, (2) Physiology, (3) Homoeopathic Philosophy and Organon, (4) Homoeopathic materia medica and pharmacy and dispensing.

A paper of 3 hours' duration in Comparative Pharmacology of allopathic, unani and ayurvedic drugs.

3rd and Final Examination—

Part I.—To be taken at any time one year after 2nd examination; the two parts may be taken together also, two years after second examination.

Subjects.—Pathology. Forensic Medicine. Hygiene.

Examination.—A paper of 2 hours' duration in each subject and a *viva voce* examination.

Part II.—Two years after 2nd examination.

Subjects.—Medicine (including Homoeopathic materia medica, Therapeutics and Repertory). Surgery. Midwifery and Gynæcology.

Examination.—A paper of 3 hours' duration with clinical, practical and *viva voce* examination in each subject.

F. C. E. H. (For those registered under the Bombay Medical Act, 1912, or the Bombay Medical Practitioners' Act, 1938).

Period of study.—One year.

Subjects.—Medicine including the principles of Homoeopathy, Therapeutics, Repertory. Pharmacy and Dispensing. Organon of Medicine. Homoeopathic Philosophy. Homoeopathic materia medica. Chronic miasma, Development of Homoeopathy and Research in Homoeopathy.

Examination.—Four papers of three hours' duration and clinical, practical and *viva voce* examination :—

Paper I—Organon, Homoeopathic Philosophy, Chronic Miasms.
Paper II—Homoeopathic materia medica, Pharmacy and Dispensing.
Paper III—Therapeutics, Repertorisation and case taking.
Paper IV—The scientific method and the development of and Research in Homoeopathy.

II. QUALIFYING EXAMINATIONS.

Licentiate of the Court of Examiners in Homoeopathy .. (L. C. E. H.)
Graduate of the Court of Examiners in Homoeopathy .. (G. C. E. H.)
Fellow of the Court of Examiners in Homoeopathy .. (F. C. E. H.)

SCHEDULE II.

(Section 40.)

Amendments of the Bombay Medical Practitioners' Act, 1938.

Provisions of Bom. XXVI of 1938.	Amendments.
1	2
Section 32 ..	After the words and figures "in the list mentioned in section 18", the following shall be inserted, namely, "or a person whose name is entered in the register maintained or kept under the Bombay Homoeopathic Act, 1951".
Section 33 ..	After the words and figures "the Bombay Medical Act, 1912," the following shall be inserted, namely :— "or a practitioner whose name is entered in Part A or Part B of the register under the Bombay Homoeopathic Act, 1951".
Section 35 ..	In sub-section (*1*), after the words and figures "the Bombay Medical Act, 1912" at both the places where they occur, the following shall be inserted, namely :— "or the Bombay Homoeopathic Act, 1951".

Provisions of Bom. XXVI of 1938.	Amendments.
1	2
Section 36 ..	(1) In clause (*e*), for the words "homoeopathy or any other" the word "any" shall be substituted and after the words "Unani Tibbi system of medicine" the words "or the Homoeopathic system of medicine" shall be inserted. (2) In sub-clause (*ii*) of the said clause for the words "or any Indian system of medicine under this Act" the following words and figures shall be substituted, namely :— "or the Ayurvedic system of medicine or the Unani Tibbi system of medicine or the Homoeopathic system of medicine".
Section 37 ..	In clause (*i*) after the words and figures "the Bombay Medical Act, 1912," the words "or under the Bombay Homoeopathic Act, 1951" shall be inesrted.

BOMBAY REGULATION No. I OF 1951.

[THE BOMBAY SEALS ACT (APPLICATION TO SCHEDULED AREAS) REGULATION, 1951.]

[*12th May 1951*]

A regulation for the application of the Bombay Seals Act, 1949, to certain Scheduled Areas.

Bom. XXII of 1949.

WHEREAS it is necessary to extend the provisions of the Bombay Seals Act, 1949, to certain Scheduled Areas in the State of Bombay for the peace and good government of the said Areas;

NOW, THEREFORE, in exercise of the powers conferred by sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Bombay is, with the assent of the President, hereby pleased to make the following Regulation, namely :—

Short title, extent and commencement.

1. (*1*) This Regulation may be called the Bombay Seals Act (Application to Scheduled Areas) Regulation, 1951.

(*2*) It extends to the Scheduled Areas specified in the Schedule annexed hereto.

(*3*) It shall come into force at once.

Application of Bom. XXII of 1949, to Scheduled Areas.

Bom. XXII of 1949.

2. Sections 3 and 4 of the Bombay Seals Act, 1949, shall apply to the areas specified in the Schedule annexed hereto.

SCHEDULE.

(*See* section 2.)

(1) Navapur Petha and Akrani Mahal in West Khandesh District.

(2) The Satpura Hills reserved forest areas in East Khandesh District.

(3) Kalvan Taluka and Peint Petha in Nasik District.

(4) Dahanu and Shahapur Talukas and Mokhada and Umbergaon Pethas in Thana District.

BOMBAY REGULATION No. II OF 1951.

[THE BOMBAY SECONDARY SCHOOL CERTIFICATE EXAMINATION ACT (APPLICATION TO SCHEDULED AREAS) REGULATION, 1951.]

[*29th June 1951*]

A Regulation for the application of the Bombay Secondary School Certificate Examination Act, 1948, to certain Scheduled Areas in the State of Bombay.

Bom. XLIX of 1948.

WHEREAS it is necessary to apply the provisions of the Bombay Secondary School Certificate Examination Act, 1948, to certain Scheduled Areas in the State of Bombay for the peace and good government of the said areas ;

NOW, THEREFORE, in exercise of the powers conferred by sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Bombay is hereby pleased, with the assent of the President, to make the following regulation, namely :—

Short title and extent.

1. (*1*) This Regulation may be called the Bombay Secondary School Certificate Examination Act (Application to Scheduled Areas) Regulation, 1951.

(*2*) It extends to the areas specified in the Schedule appended to this Regulation.

Bom. XLIX of 1948.

Application of Bombay Secondary School Certificate Examination Act to certain Scheduled Areas.

2. The Bombay Secondary School Certificate Examination Act, 1948 (hereinafter referred to as the said Act), shall, subject to the modification specified in section 3, apply to the areas specified in the Schedule (hereinafter referred to as the said areas), and sections 1 to 33 of the said Act shall be deemed to be and to have been in force in the said areas with effect from the 7th day of October 1948 and section 34 with effect from the 8th day of November 1948.

Modification of Act in its application to said areas.

3. In the application of the said Act to the said areas, sub-section (*2*) of section 1 thereof shall be deleted.

THE SCHEDULE.

(1) Navapur Petha and Akrani Mahal in West Khandesh District.

(2) The Satpura Hills reserved forest areas in East Khandesh District.

(3) Kalvan Taluka and Peint Petha in Nasik District.

(4) Dahanu and Shahapur Talukas and Mokhada and Umbergaon Pethas in Thana District.

THE BOMBAY (FIRST SUPPLEMENTARY) APPROPRIATION ACT, 1952.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2. Issue of Rs. 9,29,60,174 out of the Consolidated Fund of the State of Bombay for the year 1951-52.

3. Appropriation.

SCHEDULE.

BOMBAY ACT No. 1 OF 1952.[1]

[THE BOMBAY (FIRST SUPPLEMENTARY) APPROPRIATION ACT, 1952]

[*13th February 1952*]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1952.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1952; and for the purpose of authorising payment of the said sums; It is hereby enacted as follows :—

1. This Act may be called the Bombay (First Supplementary) Appropriation Act, 1952. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 9,29,60,174 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1952, in respect of the services and purposes specified in column 2 of the Schedule. Issue of Rs. 9,29,60,174 out of the Consolidated Fund of the State of Bombay for the year 1951-52.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1952. Appropriation.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, page 15.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ..	7—Land Revenue ..	2,10,010	*11,211*	2,21,221
2	State Excise ..	8—State Excise ..	7,82,000	*4,793*	7,86,793
3	Stamps ...	9—Stamps ...	10	*2,233*	2,243
4	Forest ..	10—Forest ..	6,87,020	....	6,87,020
5	Registration ...	11—Registration ...	97,000	....	97,000
6	Charges on account of Motor Vehicles Acts.	12—Charges on account of Motor Vehicles Acts.	81,125	*83,000*	1,64,125
7	Other Taxes and Duties.	13—Other Taxes and Duties.	13,258	2,49,000	2,62,258
8	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses, "18—Other revenue expenditure financed from ordinary revenues" and "19—Construction of Irrigation, Navigation, Embankment and Drainage Works."	72,862	....	72,862
9	Appropriation for Reduction or Avoidance of Debt.	23—Appropriation for Reduction or Avoidance of Debt.	....	*61,260*	61,260
10	General Administration.	25—General Administration.	38,50,244	....	38,50,244
11	Administration of Justice.	27—Administration of Justice.	3,65,040	....	3,65,040
12	Police ..	29—Police ..	12,40,200	*4,224*	12,44,424
13	Scientific Departments.	36—Scientific Departments.	1,64,000	....	1,64,000
14	Education ..	37—Education ..	1,55,810	....	1,55,810
15	Medical ..	38—Medical ..	61,241	....	61,241
16	Public Health ..	39—Public Health ...	10	....	10
17	Agriculture ..	40—Agriculture ..	66,20,187	....	66,20,187

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
18	Co-operation ..	42—Co-operation ..	23,430	....	23,430
19	Industries ..	43—Industries ..	31,240	....	31,240
20	Industrial Development.	43-A—Capital Outlay on Industrial Development.	1,75,000	....	1,75,000
21	Miscellaneous Departments (except Labour).	47—Miscellaneous Departments.	29,750	....	29,750
22	Civil Works ..	50—Civil Works ..	10,09,952	*1,44,337*	11,54,289
23	Electricity Schemes	XLI—Receipts from Electricity Schemes-Deduct—Working Expenses.	10	....	10
24	Electricity Schemes.	53—Capital outlay on Electricity Shemes.	2,00,00,000	....	2,00,00,000
25	Famine ..	54—Famine ..	88,60,372	....	88,60,372
26	Territorial and Political pensions.	54-A—Territorial and Political pensions.	6,86,000	....	6,86,000
27	Superannuation Allowances and pensions.	55—Superannuation Allowances and pensions.	21,68,000	....	21,68,000
28	Stationery and Printing.	56—Stationery and Printing.	9,89,000	....	9,89,000
29	Miscellaneous ..	57—Miscellaneous ..	70,224	....	70,224
30	Road Transport Scheme.	XLVI-A—Receipts from Road Transport Scheme—Deduct—Refunds.	16,40,854	....	16,40,854
31	Extraordinary Charges.	63—Extraordinary Charges.	3,000	....	3,000
		Total expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	5,00,86,849	*5,60,058*	5,06,46,907
32	Irrigation ..	68—Construction of Irrigation, Navigation, Embankment and Drainage Works.	1,55,00,010	....	1,55,00,010
33	Public Health ..	70—Capital Outlay on Improvement of Public Health.	11,44,000	....	11,44,000

SCHEDULE—*concld.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
34	Schemes of Agricultural Improvement and Research.	71—Capital Outlay on Schemes of Agricultural Improvement and Research.	10,00,000	.....	10,00,000
35	Civil Works ...	81—Capital Account of Civil Works outside the Revenue Account.	18,56,301	*38,302*	18,94,603
36	Electricity Schemes..	81-A—Capital Outlay on Electricity Schemes.	40,144	.....	40,144
37	Milk Scheme ...	82—Capital Account of other State Works outside the Revenue Account.	10	.....	10
38	Payments of Commuted Value of Pensions.	83—Payments of Commuted Value of Pensions.	2,75,000	.....	2,75,000
39	Payments to Retrenched Personnel.	85—Payments to Retrenched Personnel.	35,000	.....	35,000
40	State Schemes connected with State Trading.	85-A—Capital Outlay on State Schemes of State Trading.	1,35,25,040	*7,83,000*	1,43,08,040
		Total Capital expenditure outside the Revenue Account.	3,33,75,505	*8,21,302*	3,41,96,807
41	Permanent Debt ...	Permanent Debt ...	.....	*93,200*	93,200
42	Loans and Advances by State Government.	Loans and Advances by State Government.	9,00,000	*62,000*	9,62,000
43	Loans from the Central Government.	Loans from the Central Government.	.....	*70,61,260*	70,61,260
		Total Disbursements under Debt Heads.	9,00,000	*72,16,460*	81,16,460
		Grand Total ...	8,43,62,354	*85,97,820*	9,29,60,174

THE BOMBAY APPROPRIATION (VOTE ON ACCOUNT) ACT, 1952.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2. Withdrawal of certain sums from and out of the Consolidated Fund of the State.

3. Appropriation.

SCHEDULE.

BOMBAY ACT No. IV OF 1952.[1]

[THE BOMBAY APPROPRIATION (VOTE ON ACCOUNT) ACT, 1952.]

[*16th February 1952*]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Bombay for the service of the year beginning on the 1st day of April 1952.

WHEREAS it is expedient to withdraw certain sums from and out of the Consolidated Fund of the State of Bombay for the service of the year beginning on the 1st day of April 1952; It is hereby enacted as follows :—

1. This Act may be called the Bombay Appropriation (Vote on Account) Act, 1952. Short title.

2. From and out of the Consolidated Fund of the State of Bombay there may be withdrawn sums not exceeding those specified in column 4 of the Schedule amounting in the aggregate to the sum of Rupees 99,09,08,000 towards defraying the several charges which will come in course of payment during the year beginning on the 1st day of April 1952. Withdrawal of certain sums from and out of the Consolidated Fund of the State.

3. The sums authorised to be withdrawn from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the schedule in relation to the said year. Appropriation.

SCHEDULE.

(*See* sections 2 and 3.)

Serial No.	Services and purposes	Heads of Accounts	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ..	7, Land Revenue ..	44,18,000	....	44,18,000
2	State Excise ..	8, State Excise ..	16,56,000	....	16,56,000
3	Stamps	9, Stamps ..	1,87,000	....	1,87,000
4	Forest	10, Forest ..	41,15,000	....	41,15,000

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, pages 20-21.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
5	Registration ..	11, Registration ..	5,17,000	....	5,17,000
6	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	4,44,000	2,33,000	6,77,000
7	Other Taxes and Duties.	13, Other Taxes and Duties.	12,44,000	....	12,44,000
8	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses, "18, Other revenue expenditure financed from ordinary revenues" and "19, Construction of Irrigation, Navigation, Embankment and Drainage Works".	38,54,000	....	38,54,000
9	Interest on debt and other obligations.	22, Interest on debt and other obligations.	....	35,36,000	35,36,000
10	Appropriation for reduction or avoidance of debt.	23, Appropriation for reduction or avoidance of debt.	....	97,92,000	97,92,000
11	General Administration.	25, General Administration.	1,44,69,000	3,17,000	1,47,86,000
12	Administration of Justice.	27, Administration of Justice.	61,98,000	7,52,000	69,50,000
13	Jails and Convict Settlements.	28, Jails and Convict Settlements.	26,08,000	....	26,08,000
14	Police ..	29, Police ..	3,07,44,000	....	3,07,44,000
15	Ports and Pilotage ..	30, Ports & Pilotage	90,000	....	90,000
16	Dangs District ..	33-A, Dangs District	11,12,000	....	11,12,000
17	Scientific Departments.	36, Scientific Departments.	2,91,000	....	2,91,000
18	Education ..	37, Education ..	4,26,79,000	....	4,26,79,000
19	Medical ..	38, Medical ..	89,88,000	....	89,88,000
20	Public Health ..	39, Public Health ..	70,69,000	....	70,69,000
21	Agriculture ..	40, Agriculture ..	58,77,000	....	58,77,000
22	Veterinary ..	41, Veterinary ..	15,57,000	....	15,57,000
23	Co-operation ..	42, Co-operation ..	34,33,000	....	34,33,000

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
24	Industries ..	43, Industries ..	25,49,000	....	25,49,000
25	Miscellaneous Departments (except labour).	47, Miscellaneous Departments.	1,13,81,000	....	1,13,81,000
26	Labour ..	47, Miscellaneous Departments.	12,35,000	....	12,35,000
27	Civil Works ..	50, Civil Works ..	1,50,64,000	1,45,000	1,52,09,000
28	Bombay Development Scheme.	51, Bombay Development Scheme.	4,80,000	....	4,80,000
29	Electricity Schemes ..	XLI, Receipts from Electricity Schemes—*Deduct*—Working Expenses.	15,21,000	....	15,21,000
30	Other Revenue Expenditure connected with Electricity Schemes.	52-A, Other Revenue Expenditure connected with Electricity Schemes.	7,49,000	....	7,49,000
31	Capital Outlay on Electricity Schemes.	53, Capital Outlay on Electricity Schemes.	8,000	....	8,000
32	Famine ..	54, Famine ..	50,00,000	....	50,00,000
33	Territorial and Political Pensions.	54-A, Territorial and Political Pensions.	6,000	....	6,000
34	Privy Purses and Allowances of Rulers of Indian State.	54-B, Privy Purses and Allowances of Rulers of Indian States.	5,19,000	....	5,19,000
35	Superannuation allowances and pensions.	55, Superannuation allowances and pensions.	77,68,000	1,73,000	79,41,000
36	Stationery and Printing.	56, Stationery and Printing.	29,48,000	....	29,48,000
37	Miscellaneous ..	57, Miscellaneous ..	1,26,33,000	....	1,26,33,000
38	Extraordinary Charges .	63, Extraordinary Charges.	3,000	....	3,000
39	Civil Defence ..	64-B, Civil Defence.	35,000	....	35,000
		Total Expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure with Revenue Account).	20,34,49,000	1,49,48,000	21,83,97,000

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
40	Irrigation ..	68, Construction of Irrigation, etc., Works.	97,54,000	....	97,54,000
41	Public Health ..	70, Capital Outlay on Improvement of Public Health.	20,79,000	....	20,79,000
42	Schemes of Agricultural Improvement and Research.	71, Capital Outlay on Agricultural Improvement and Research.	50,00,000	....	50,00,000
43	Industrial Development.	72, Capital Outlay on Industrial Development.	3,00,000	....	3,00,000
44	Bombay Development Scheme.	80, Bombay Development Scheme.	3,000	....	3,000
45	Civil Works ..	81, Capital Account of Civil Works outside the Revenue Account.	30,66,000	....	30,66,000
46	Electricity Schemes ..	81-A, Capital Outlay on Electricity Scheme.	1,17,42,000	....	1,17,42,000
47	Housing for displaced persons and Milk Scheme.	82, Capital Account of other State Works outside the Revenue Account.	1,13,00,000	....	1,13,00,000
48	Payments of commuted value of Pensions.	83, Payments of commuted value of Pensions.	3,19,000	....	3,19,000
49	State Schemes connected with State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	71,09,78,000	11,59,000	71,21,37,000
		Total Capital Expenditure outside the Revenue Account.	75,45,41,000	11,59,000	75,57,00,000
50	Loans from the Central Government.	Loans from the Central Government.	....	7,77,000	7,77,000
51	Loans and Advances bearing interest.	Loans and Advances by State Government.	1,60,34,000	....	1,60,34,000
		Total Disbursements under Debt Heads.	1,60,34,000	7,77,000	1,68,11,000
		Grand Total ..	97,40,24,000	1,68,84,000	99,09,08,000

THE CODE OF CRIMINAL PROCEDURE (BOMBAY AMENDMENT) ACT, 1952.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.

2. Amendment of section 305 of Act V of 1898.

3. Amendment of section 306 of Act V of 1898.

BOMBAY ACT No. VI OF 1952.[1]

[THE CODE OF CRIMINAL PROCEDURE (BOMBAY AMENDMENT) ACT, 1952.]

[*15th March 1952*]

An Act to amend the Code of Criminal Procedure, 1898, in its application to the State of Bombay.

V of 1898. WHEREAS it is expedient to amend the Code of Criminal Procedure, 1898, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Code of Criminal Procedure (Bombay Amendment) Act, 1952.

(*2*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* appoint.

Amendment of section 305 of Act V of 1898.

2. In sub-section (*1*) of section 305 and in the marginal note to the said section of the Code of Criminal Procedure, 1898, in its application to the State of Bombay (hereinafter referred to as the said Code), the words "or the Court of Session for Greater Bombay" shall be deleted.

V of 1898.

Amendment of section 306 of Act V of 1898.

3. In sub-section (*1*) of section 306 of the said Code, the words "other than the Court of Session for Greater Bombay" shall be deleted.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, page 2.

THE BOMBAY DISPLACED PERSONS PREMISES CONTROL AND REGULATION ACT, 1952.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Definitions.
3. Declaration of displaced persons premises.
3A. Appointment of competent authorities.
4. Power to evict.
5. Power to recover rent or damages as arrears of land revenue.
6. Rent to be recovered from deductions from salary or wages in certain cases.
7. Appeal.
8. Protection of action taken in good faith.
9. Delegation.
10. Penalty.
11. Power to make rules.

THE BOMBAY DRUGS (CONTROL) ACT, 1952.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.

2. Definitions.

3. Drugs to which this Act applies and notified drugs.

3A. Wholesale or retail business in drugs.

3B. Sale of drugs by retailer and dispense in or sale by Medical practitioners.

3C. General power of State Government in respect of licences.

3D. Power to suspend or cancel licences.

4. Fixing of maximum quantities which may be held or sold.

5. Medical practitioner and dispensing chemist not to supply notified drug for purposes other than medicinal and except under prescription.

6. Limitation on quantity of any notified drug which may be possesed at any one time.

7. Cash memorandum to be given of certain sales.

8. Prohibition or regulation of the disposal of drugs.

9. Evasion of provisions.

10. Penalty.

11. Magistrate's power to impose higher punishment.

12. Offences by corporations.

13. Inspectors and procedure.

14. Powers to search and seizure.

15. Protection of action taken in good faith.

16. Delegation.

16A. Power of State Government to exempt any class of persons institutions, etc.

17. Saving of other laws.

18. Power to make rules.

BOMBAY ACT No. XXIX OF 1952.[1]

[THE BOMBAY DRUGS (CONTROL) ACT, 1952]

[*3rd November 1952*]

Amended by Bom. 37 of 1954.

An Act to provide for the control of the possession, sale and use of certain drugs.

WHEREAS it is expedient to provide for the control of the possession, sale and use of certain drugs and for certain other purposes ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Drugs (Control) Act, 1952.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

[2][(*a*) "dealer" means a licensed wholesaler or retailer;]

[3]* * * *

(*c*) "drug" means (*i*) a medicine for internal or external use of human beings or animals, or (*ii*) substances intended to be used for or in the treatment, mitigation or prevention of disease in human beings or animals,—to which medicine or substance this Act is declared to be applicable under sub-section (*1*) of section 3 ;

[4][(*c*1) "licensed retailer" means a retailer holding a licence under section 3A ;

(*c*2) "licensed wholesaler" means a wholesaler holding a licence under section 3A ;]

Bom. VI of 1912. Bom. XXVI of 1938. Bom. XLVIII of 1951. XVI of 1948. Bom. LXVIII of 1953.

(*d*) "medical practitioner" means a person registered under the Bombay Medical Act, 1912, or registered or entered on the list under the Bombay Medical Practitioners Act, 1938, or a person whose name is entered in Part A or Part B of the register of practitioners maintained under the Bombay Homoeopathic Act, 1951 [5][and includes a person whose name is entered in Part A or Part B of the register of dentists maintained under the Dentists Act, 1948, and a veterinary practitioner whose name is entered in the register maintained under the Bombay Veterinary Practitioners Act, 1953] ;

(*e*) "notified drug" means a drug which has been notified by the State Government to be a notified drug under section 3 ;

[6][(*f*) "prescribed" means prescribed by rules made under this Act ;

(*g*) "retailer" means a person who carries on the business of selling any notified drugs otherwise than for the purpose of resale and does not include a medical practitioner ;

(*h*) "wholesaler" means a person who carries on the business of selling any notified drugs for the purpose of resale.]

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, page 195.

[2] Clause (*a*) was substituted for the original by Bom. 37 of 1954, s. 2 (*1*).

[3] Clause (*b*) was deleted, *ibid.*, s. 2 (*2*).

[4] Clauses (*c*1) and (*c*2) were inserted, *ibid.*, s. 2 (*3*).

[5] This portion was added, *ibid.*, s. 2 (*4*).

[6] These clause were substituted for clause (*f*), *ibid.*, s. 2 (*5*).

(2) For the purposes of this Act, a person shall be deemed to be in possession of a drug, if he is in actual or constructive possession of the same and shall include a person on whose behalf or on account of whom another person is in custody of the drug.

Drugs to which this Act applies and notified drugs.

3. (1) The State Government may, by notification in the *Official Gazette*, declare any drug to be a drug to which this Act applies.

(2) If the State Government is satisfied that a drug is used in a manner injurious to health the State Government may, by notification in the *Official Gazette*, specify it as a notified drug.

Wholesale or retail business in drugs.

[1][**3A.** From such date as may be fixed by the State Government by notification in the *Official Gazette* in this behalf, no person shall carry on the business of a wholesaler or retailer or possess any notified drug for the purpose of such business except under and in accordance with the conditions of a licence granted by the Collector under this Act:

Provided that nothing in this section shall apply to the possession of any notified drug not exceeding such quantity as may be prescribed for the purposes of sample.

Sale of drugs by retailer and dispensing or sale by medical partictioner.

3B. No licensed retailer shall sell any notified drug unless such drug has been obtained by him from a licensed wholesaler, and no medical practitioner shall dispense or sell any notified drug unless such drug has been obtained by him from a licensed wholesaler or retailer.

General power of State Government in respect of licences.

3C. Notwithstanding anything contained in this Act or the rules made thereunder, the State Government may by general or special order—

(a) prescribe the number of places at which any notified drug specified in such order may be sold in any area;

(b) prescribe the procedure to be followed before granting any licence;

(c) specify the persons or classes of persons to whom licences under this Act may not be granted;

(d) issue such other instructions in any matter pertaining to the grant or otherwise of licences under this Act as it may deem proper.

Power to suspend or cancel licences.

3D. (1) The Collector may, after giving the holder of a licence granted, under this Act a reasonable opportunity of being heard, suspend his licence for such period as may be necessary or cancel the same,—

(a) if any fee payable by the holder thereof is not duly paid;

(b) in the event of any breach by the holder of such licence or by his servant or by any one acting with his express or implied permission on his behalf of any of the terms or conditions of such licence;

(c) if the holder thereof or any person in the employ of such holder or any person acting with his express or implied permission on his behalf is convicted of an offence under this Act, or if the holder of the licence is convicted of an offence under the Bombay Prohibition Act, 1949, the Dangerous Drugs Act, 1930 or the Drugs Act, 1940. Bom. XXV of 1949. II of 1930. XXIII of 1940.

(2) If the licence is suspended or cancelled for any reasons, the holder thereof shall not be entitled to any compensation for such suspension or cancellation or to the refund of any fee paid in respect thereof.

[1] Sections 3A, 3B, 3C, and 3D were inserted by Bom. 37 of 1954, s. 8.

(3) The Collector may refuse to grant a licence to any person if—

(a) the licence granted to such person has been suspended or cancelled, or

(b) such person has been convicted of any offence punishable under this Act or under the Bombay Prohibition Act, 1949, the Dangerous Drugs Act, 1930, or the Drugs Act, 1940.

Bom. XXV of 1949. II of 1930. XXIII of 1940.

(4) The Collector may also refuse to grant a licence to any firm of which such person is a partner or to any person to whom the business of such person has been transferred.]

Fixing of maximum quantities which may be held or sold.

4. (1) The State Government may, by notification in the *Official Gazette*, fix in respect of any notified drug—

(a) the maximum quantity which may at any one time [1][or during such period as may be specified in the notification be possessed by a licensed wholesaler or retailer].

(b) the maximum quantity which may in any one transaction be [2][sold by wholesale or retail] to any person.

(2) The State Government may also by notification in the *Official Gazette* specify the maximum quantity of a notified drug which a person in his individual capacity or as the head of a household may possess at any one time [3][or during such period as may be specified in the notification.]

Explanation.—For the purpose of this section a "household" shall mean a group of persons normally residing and messing jointly as the members of one domestic unit.

Medical practitioner and [5][licensed retailer] not to supply notified drug for purposes other than medicinal and except under prescription.

5. (1) A medical practitioner shall not supply any notified drug in his possession to any person for a purpose other than *bona fide* medicinal purpose and except under a prescription issued by him or another medical practitioner.

(2) [4][A licensed retailer] shall not supply any notified drug in his possession to any person for a purpose other than *bona fide* medicinal purpose and except on a prescription issued by a medical practitioner.

(3) Any prescription issued for the purposes of sub-section (1) or (2) or copies thereof and other records shall be maintained in such manner and preserved for such period as may be prescribed.

Limitation on quantity of any notified drug which may be possessed at any one time.

6. [6][No person other than a dealer or a medical practitioner] shall have in his possession at any one time a greater quantity of a notified drug than what is specified by notification issued under sub-section (2) of section 4.

Cash memorandum to be given of certain sales.

7. (1) Every dealer [7]* when selling any notified drug for cash shall give to the purchaser a cash memorandum containing particulars of the transaction.

(2) The State Government may, by notification in the *Official Gazette*, prescribe the particulars to be contained in any such cash memorandum.

Prohibition or regulation of the disposal of drugs.

8. If in the opinion of the State Government it is necessary or expedient so to do, it may, by order in writing—

(a) prohibit the disposal of any notified drug except in such circumstances and under such conditions as may be specified in the order;

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[1] These words were substituted for the words "be possessed by a dealer or producer" by Bom. 37 of 1954, s. 4 (1) (a).
[2] These words were substituted for the word "sold" *ibid*, s. 4 (1) (b).
[3] These words were added, *ibid*, s. 4 (2).
[4] These words were substituted for the words "A dispensary chemist" *ibid*, s. 5 (1).
[5] These words were substituted for the words "dispensing chemist" *ibid*, s. 5 (2).
[6] These words were substituted for original, *ibid*, s. 6.
[7] The words "or producer" were deleted, *ibid*, s. 7.

(*b*) direct the sale of any notified drug to any dealer or class of dealers and in such quantities as may be specified in the order;

and make such further orders as appear to it to be necessary or expedient in connection with any order issued under this section.

Evasion of provisions.

9. No person shall wilfully give any false information or refuse to give any information lawfully demanded from him under this Act or the rules thereunder or alter by cancellation or otherwise, destroy, mutilate or deface any book or other document.

Penalty.

10. (*1*) Whoever contravenes any of the provisions of this Act or of any rule, order or notification made or issued [1][or any condition of a licence granted] thereunder or fails to comply with any directions made under authority conferred by this Act, shall, on conviction, be punished—

(*i*) for a first offence, with imprisonment for a term which may extend to one year and with fine which may extend to one thousand rupees:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such [2][imprisonment shall not be less than three months and] fine shall not be less than five hundred rupees;

(*ii*) for a second offence, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than six months and fine shall not be less than one thousand rupees;

(*iii*) for a third and subsequent offences, with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than one year and fine shall not be less than two thousand and five hundred rupees.

(*2*) A Court convicting any person of an offence punishable under this Act may order that the whole or any part of the stock of notified drugs in respect of which the offence was committed shall be forfeited to Government [3][and the receptacles, packages and coverings in which such drugs were found, and the other contents, if any, of such receptacles or packages shall likewise be liable to confiscation].

Magistrate's power to impose higher punishment.

11. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Presidency Magistrate or for a Magistrate of the First Class specially empowered by the State Government in this behalf to pass any sentence authorised under section 10, in excess of his powers under section 32 of the said Code. V of 1898.

Offences by corporations.

12. Where a person accused of an offence punishable under this Act is a company or an association or a body of persons, whether incorporated or not, every director, manager, secretary, agent or other officer or person actively associated with the management thereof, shall, unless he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent its commission, be deemed to be guilty of such offence.

Inspectors and procedure.

13. (*1*) The State Government may, by notification in the *Official Gazette*, appoint such persons or officers as it thinks fit, to be Inspectors for the purposes of this Act within such local limits as it may assign to them respectively.

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[1] These words were inserted by Bom. 37 of 1954, s. 8 (*1*) (*a*).
[2] These words were inserted *ibid*, s. 8 (*1*) (*b*).
[3] These words were added, *ibid*, s. 8 (*2*).

(2) No person or officer below the rank of an Inspector appointed under sub-section (1) shall investigate any offence under this Act.

(3) No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Commissioner of Police in Greater Bombay and elsewhere of the District Magistrate.

Power to search and seizure.

14. Any person competent to investigate any offence under this Act may search any place in which he has reason to believe that an offence under this Act has been, or is being committed, and take possession of any stock of notified drugs in respect of which the offence has been or is being committed and the provisions of the Code of Criminal Procedure, 1898, shall so far as may be applicable, apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under section 98 of that Code.

V of 1898.

Protection of action taken in good faith.

15. No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

Delegation.

16. The State Government may, by notification in the *Official Gazette*, direct that any power exercisable by it under this Act, shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by an officer specially empowered in this behalf by the State Government.

Power of State Government to exempt any class of persons, institutions, etc.

[1][**16A.** The State Government may by a special or general order exempt any class of persons or institutions from the operation of all or any of the provisions of the Act or any rules made thereunder subject to such conditions as it may deem fit to impose.]

Saving of other laws.

17. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force relating to any of the matters dealt with in this Act.

Power to make rules.

18. (1) The State Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

[2][(a1) prescribing the quantity of notified drug for the purposes of sample under the proviso to section 3A ;

(a2) prescribing the forms of licences granted under the Act and the conditions on which such licences may be granted, the forms of application for such licences and the fees payable in respect thereof ;]

(a) the maintenance and preservation by [3][dealers generally or by any dealer in particular] of records and accounts of all sale and purchase transactions made by them or the stocks of notified drugs in their possession and used ;

(b) the maintenance and preservation of prescriptions and other records by medical practitioners and [4][licensed retailers] ;

(c) the furnishing of any such information as may be required with respect to the business or profession carried on by any [5][dealers or medical practitioners] ;

(d) the inspection of any books of account or other documents belonging to or under the control of any [6][dealers or medical practitioners] relating to notified drugs ;

(e) any other matter which is to be or may be prescribed under this Act.

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[1] Section 16A was inserted by Bom. 37 of 1954, s. 9.
[2] Clauses (a1) and (a2) were inserted, *ibid*, s. 10 (1).
[3] These words were inserted for the original, *ibid*, s. 10 (2).
[4] These words were substituted for the words "dispensing chemists" *ibid*, s. 10 (3).
[5] These words were substituted for the original, *ibid*, s. 10 (4).
[6] These words were substituted for the original, *ibid*, s. 10 (5).

BOMBAY ACT No. XXXI OF 1952.[1]

[THE BOMBAY DISPLACED PERSONS PREMISES CONTROL AND REGULATION ACT, 1952.]

[*27th November 1952*]

Amended by Bom. 26 of 1955.

An Act to provide for the control and regulation of occupation of premises provided for the use and occupation of displaced persons.

WHEREAS it is expedient to provide for the control and regulation of premises provided for the use and occupation of displaced persons and for certain matters connected therewith; It is hereby enacted as follows :—

1. This Act may be called the Bombay Displaced Persons Premises Control and Regulation Act, 1952. Short title.

2. In this Act, unless the context otherwise requires,— Definitions.

[2][(*a*) "competent authority" means an officer appointed as the competent authority under section 3A ;]

(*b*) "displaced person" means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, has been displaced from or has left his place of residence in such area after the first day of March 1947 and who has been subsequently residing in India ;

(*c*) "displaced persons premises" means any premises allotted by the State Government for the use and occupation of displaced persons ;

[3][(*ca*) "land" includes benefits to arise out of land and things attached to the earth or permanently fastened to the earth or permanently fastened to anything attached to the earth ;]

(*d*) "premises" means any [4][land or] building or part of a building and includes—

(*i*) the garden, grounds and out-houses, if any, appertaining to such building or part of a building, and

(*ii*) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ;

(*e*) "prescribed" means prescribed by rules made under this Act.

3. The State Government may, by notification in the *Official Gazette*, specify any premises allotted before or after the commencement of this Act for the use and occupation of displaced persons, as displaced persons premises for the purposes of this Act. The decision of the State Government under this section shall be final. Declaration of displaced persons premises.

[5][**3A.** The State Government may, by notification in the *Official Gazette*, appoint an officer who is holding or has held an office, which in its opinion is not lower in rank than that of a Deputy Collector, to be the competent authority for carrying out the purposes of this Act in such area as may be specified in the notification.] Appointment of Competent Authorities.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, page 52.
[2] This clause was substituted for the original by Bom. 26 of 1955, s. 2 (*1*).
[3] This clause was inserted, *ibid.*, s. 2(*2*).
[4] These words were inserted, *ibid.*, s. 2(*3*).
[5] This section was inserted, *ibid.*, s. 3.

Power to evict.

4. (*1*) If the competent authority is satisfied—

(*a*) that the person authorised to occupy any displaced persons premises has, whether before or after the commencement of this Act,—

(*i*) not paid rent lawfully due from him in respect of such premises for a period of more than two months, or

(*ii*) sub-let, without the permission of the State Government or of the competent authority, the whole or any part of such premises, or

(*iii*) otherwise acted in contravention of any of the terms, expressed or implied, under which he is authorised to occupy such premises, or

(*b*) that any person is in unauthorised occupation of any displaced persons premises,

notwithstanding anything contained in any law for the time being in force, the competent authority may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within one month of the date of the service of the notice.

[1][(*1A*) Before an order under sub-section (*1*) is made against any person, the competent authority shall inform the person by notice in writing of the grounds for which the proposed order is to be made and give him a reasonable opportunity of tendering an explanation and producing evidence, if any, and to show cause why such order should not be made within a period to be specified in such notice. If such person makes an application to the competent authority for extension of the period specified in the notice, the competent authority may grant the same on such terms as to payment and recovery of the amount claimed in the notice as he deems fit. Any written statement put in by such person and documents produced in pursuance of such notice shall be filed with the record of the case and such person shall be entitled to appear before the officer proceeding in this connection by advocate, attorney or pleader. Such notice in writing shall be served in the manner provided for service of notice under sub-section (*1*).]

(*2*) If any person refuses or fails to comply with an order made under sub-section (*1*), the competent authority may evict that person from, and take possession of, the premises, and may for that purpose use such force as may be necessary.

(*3*) If a person who has been ordered to vacate any premises under sub-section (*1*) within one month of the date of the service of the notice or such longer time as the competent authority may allow, pays to the said competent authority the rent in arrears or carries out or otherwise complies with the terms contravened by him to the satisfaction of the said competent authority, as the case may be, the said competent authority shall, in lieu of evicting such person under sub-section (*2*), cancel its order made under sub-section (*1*) and thereupon such person shall hold the premises on the same terms on which he held them immediately before such notice was served on him.

[1] This sub-section was inserted by Bom. of 26 1955, s. 4(*1*).

[1][*Explanation.*—For the purpose of this section and section 5, the expression 'unauthorised occupation', in relation to any person authorised to occupy any displaced persons premises, includes the continuance in occupation by him or by any person claiming through or under him of the premises after the authority under which he was allowed to occupy the premises has been duly determined.]

Power to recover rent or damages as arrears of land revenue.

5. (*1*) Subject to any rules made by the State Government in this behalf and without prejudice to the provisions of section 4, where any person is in arrears of rent payable in respect of any displaced persons premises, the competent authority may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that person to pay the same within such time not less than ten days as may be specified in the notice. If such person refuses or fails to pay the arrears of rent within the time specified in the notice, such arrears may be recovered as arrears of land revenue.

(*2*) Where any person is in unauthorised occupation of any displaced persons premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the premises as it may deem fit and may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that person to pay the damages within such time as may be specified in the notice. If such person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered as arrears of land revenue.

[2][(*3*) No order shall be made under sub-section (*2*) until after the issue of a notice in writing to the person calling on him to show cause, within a reasonable period to be specified in such notice, why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same have been considered by the competent authority.]

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[1] This Explanation was added, by Bom. 26 of 1955, s. 4(*2*).
[2] This sub-section was added, *ibid.* s. 5.

BOMBAY ACT No. XXXI OF 1953.[1]

[THE BOMBAY UNIVERSITY ACT, 1953.]

[*18th May 1953*]

Amended by Bom. 2 of 1954.
" " " 30 of 1954.

An Act to amend and consolidate the law relating to the University of Bombay.

WHEREAS, consequent upon the establishment of other Universities as a measure in the decentralisation and reorganisation of University education in the State of Bombay, it is necessary to reconstitute the University of Bombay into a teaching and federal University in order to enable it to provide greater facilities for University education and whereas it is necessary and expedient for the said purposes to amend and consolidate the law relating to the said University; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. (*1*) This Act may be called the Bombay University Act, 1953.

(*2*) The State Government may, by notification in the *Official Gazette*, direct that this Act shall come into force on such date as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "affiliated college" means a college affiliated under section 50 and includes also a college deemed to be affiliated under section 65;

(*2*) "college" means a degree college or an intermediate college;

(*3*) "constituent college" means a university college or an affiliated college made constituent under section 56;

(*4*) "degree college" means a college, which is authorized to submit its students to an examination qualifying for any degree of the University;

(*5*) "department" means a department designated as such by the Ordinances with reference to a subject or a group of subjects;

(*6*) "Director of Education" means the Director of Education Bombay State;

(*7*) "Fellow" means an *ex-officio* Fellow or an Ordinary Fellow appointed under the provisions of this Act;

(*8*) "Head Master" means the head of a High School;

(*9*) "Head of Department" means a teacher principally responsible for instruction, training or research in a department;

(*10*) "High School" means a high school which has been recognized as a full-fledged high school by the Director of Education, or by an officer authorized by him in that behalf;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1933, Part V pp. 207-209.

(*11*) "hostel" means a unit of residence for students maintained or recognized by the University under this Act;

(*12*) "intermediate college" means a college other than a degree-college;

(*13*) "prescribed" means prescribed by Statues, Ordinances or Regulations;

(*14*) "Principal" means the head of a college;

(*15*) "recognized institution" means an institution recognized under section 52 and includes also an institution deemed to have been recognized under section 65;

(*16*) "registered graduate" means a graduate registered under section 17 and includes a graduate deemed to have been registered under section 65;

(*17*) "Schedule" means a schedule appended to this Act;

(*18*) "secondary teachers" means such class of teachers imparting instruction in High Schools as may be declared to be secondary teachers by Statutes;

(*19*) "Statues", "Ordinances" and "Regulations" mean respectively, the Statutes, Ordinances and Regulations of the University made or deemed to have been made under this Act and for the time being in force;

(*20*) "teacher" means a professor, reader or lecturer, imparting instruction or guiding research in the University, an affiliated college or recognized institution or such other person as may be declared to be a teacher by the Statues;

(*21*) "Teacher of the University" means a teacher appointed or recognized by the University for imparting instruction on its behalf;

(*22*) "University" means the University of Bombay as reconstituted under this Act;

(*23*) "University Area" means the area comprised in Greater Bombay;

(*24*) "University College" means a college which the University may establish or maintain under this Act or a college transferred to the University and maintained by it;

(*25*) "University Department" means any collegiate or post-graduate or research institution or department maintained by the University;

(*26*) "University Professor", "University Reader" or "University Lecturer" means a professor, reader or lecturer appointed or recognized as such by the University.

CHAPTER II.

THE UNIVERSITY.

Incorporation of the University.

3. (*1*) The Chancellor, the Vice-Chancellor, the Rector, if any, the Fellows, the members of the Syndicate and the Academic Council of the University and all persons who are deemed to be or may be appointed or elected as such officers, Fellows or members under this Act, so long as they continue to be such officers, Fellows or members, are hereby constituted and declared to be one body corporate by the name of the University of Bombay, and such body corporate shall, by such name, have perpetual succession and a common seal, and by such name shall sue and be sued.

(*2*) The University shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in, or may have been acquired by it for the purpose of the University and to contract and do all other things necessary for the purposes of this Act.

Honorary degrees.

41. If not less than two-thirds of the members of the Syndicate recommend that an honorary degree be conferred on any person on the ground that he is in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such a degree and where their recommendation is supported by not less than two-thirds of the Fellows present at a meeting of the Senate and is confirmed by the Chancellor, the Senate may confer on such person the honorary degree so recommended without requiring him to undergo any examination.

Removal from membership of University and withdrawal of degree or diploma.

42. (*1*) The Chancellor may, on the recommendation of the Syndicate and of the Senate supported by a majority of not less than two-thirds of the members of each body present at its meeting, such majority comprising not less than one-half of the members of each body, remove the name of any person from the register of graduates or withdraw from any person a diploma or degree or other academic distinctions if he has been convicted by a court of law of any offence which, in the opinion of the Syndicate and the Senate, is a serious offence involving moral turpitude or if he has been guilty of disgraceful conduct.

(*2*) No action under this section shall be taken unless the person concerned is given an opportunity to be heard in his defence in the manner prescribed by the Statutes.

CHAPTER VI.

FINANCE.

University Fund.

43. (*1*) The University shall establish a fund to be called the University Fund.

(*2*) The following shall form part of, or be paid into, the University Fund :—

(*a*) any contribution or grant by Government,

(*b*) the income of the University from all sources including income from fees and charges,

(*c*) trusts, bequests, donations, endowments and other grants, if any.

(*3*) The University Fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934, [1][or in a co-operative bank approved by the State Government for the purpose or invested] in securities authorised by the Indian Trusts Act, 1882, at the discretion of the Syndicate.

II of 1934. II of 1882.

(*4*) Nothing in this section shall in any way affect any obligations accepted by or imposed upon the University by any declarations of trust executed by or on behalf of the University for the administration of any trust.

Annual accounts and financial estimates.

44. (*1*) The annual accounts of the University shall be prepared under the direction of the Syndicate and shall be submitted to the State Government for audit.

(*2*) The accounts when audited shall be published by the Syndicate and a copy thereof shall, together with a copy of the audit report, be submitted to the Senate.

(*3*) The Syndicate shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year.

(*4*) The annual accounts and the financial estimates shall be considered by the Senate at its annual meeting and may be passed with such modifications as the Senate may deem fit.

Annual report.

45. The annual report of the University shall be prepared under the direction of the Syndicate and shall be submitted to the Senate on or before such date as may be prescribed by the Statutes and shall be considered by the Senate at the annual meeting. The Senate shall adopt the report with modifications, if any, which it may direct the Syndicate to make therein in accordance with the resolutions passed by the Senate in that behalf.

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[1] These words were substituted for the words "or invested" by Bom. 30 of 1954, s. 33.

CHAPTER VII.

STATUTES, ORDINANCES AND REGULATIONS.

Statutes.

46. Subject to the provisions of this Act, the Senate may, from time to time, make Statutes for all or any of the following matters, namely :—

(*a*) the declaration of any person to be a "teacher" under clause (*20*) of section 2;

(*b*) the declaration of other bodies to be the authorities of the University as provided in clause (*7*) of section 15;

(*c*) the manner of election of Fellows and the members of the Syndicate and the Boards of University Teaching, and the terms and conditions of their office, registration of graduates and maintenance of a register of registered graduates and the filling up of casual vacancies in the Senate, the Syndicate, the Academic Council, the Boards of Studies and the Boards of University Teaching;

(*d*) the powers of the Vice-Chancellor;

(*e*) the powers and duties of the Rector, if any, and the conditions of his service and of the Registrar and the officers and servants of the University;

(*f*) the constitution, reconstitution or abolition of Faculties and the powers and duties of Faculties;

(*g*) the procedure at a meeting of the Senate, the Syndicate, the Academic Council, the Boards of Studies, and the Boards of University Teaching and the quorum of members to be required for the transaction of business;

(*h*) the powers, duties and functions of Boards of Studies and the allocations of Boards among the Faculties;

(*i*) the constitution, powers and duties of the authorities of the University save as provided in this Act;

(*j*) the institution and conferment of degrees and the granting of diplomas, and other academic distinctions in respect of degrees and examinations;

(*k*) recognition as registered graduates of persons who are graduates of any other University;

(*l*) the institution of pension or provident fund or both for the benefit of the officers, teachers and other servants of the University;

(*m*) qualifications of professors, readers, lecturers and other teachers in affiliated colleges and regognised institutions;

(*n*) all matters which, by this Act, are to be or may be prescribed by the Statutes;

(*o*) any other matter which is necessary to give effect to the provisions of this Act.

Statutes—their framing amendment, repeal and operation.

47. (*1*) The Statutes may be made, amended or repealed by the Senate in the manner hereinafter provided.

(*2*) The Senate may take into consideration the draft of a Statute either of its own motion or on a proposal by the Syndicate. In the case of a draft which is not prepared by the Syndicate, the Senate, before considering the same, shall obtain the opinion of the Syndicate:

Provided that if the Syndicate fails to submit its opinion within three months from the date it receives the draft, the Senate may proceed to take the draft into consideration.

BOMBAY ACT No. XLVII OF 1953.[1]

[THE BOMBAY SALES OF INTOXICANTS TAXATION ACT, 1953.]

[*23rd July 1953*]

Amended by Bom. 52 of 1953.
" " " 21 of 1954.

An Act to provide for the levy of a tax on the sales of intoxicants in the State of Bombay.

WHEREAS it is expedient to provide for the levy of a tax on the sales of intoxicants in the State of Bombay; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Sales of Intoxicants Taxation Act, 1953.

(*2*) It shall extend to the whole of the State of Bombay.

[2][(*3*) This section shall come into force at once. The State Government may, by notification in the *Official Gazette*, direct that the remaining provisions of this Act shall come into force in respect of such intoxicants specified in column 1 of the Schedule and on such date as may be specified in the notification.]

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "asava or arishta" means a medicinal preparation in liquid form which contains alcohol generated by a process of fermentation and which is prepared in accordance with the Ayurvedic system of medicine;

Bom. III of 1953.

(*2*) "Collector" means the Collector of Sales Tax appointed under the Bombay Sales Tax Act, 1953;

(*3*) "country liquor" means all liquor, other than foreign liquor, produced or manufactured in India;

(*4*) "duty paid foreign liquor" means foreign liquor on which,—

XXXII of 1934. VIII of 1878.

(*i*) duty leviable under the Indian Tariff Act, 1934, or the Sea Customs Act, 1878, or

Bom. XXV of 1949.

(*ii*) the excise or countervailing duty under the Bombay Prohibition Act, 1949,

has been paid and includes foreign liquor which is exempted from such duty;

(*5*) "fermented liquor" means ale, beer, milk stout, stout (porter) and cider and such other fermented liquor which the State Government may, by notification in the *Official Gazette*, declare as such for the purposes of this Act;

(*6*) "foreign liquor" means duty-paid potable foreign liquor brought into India by sea, air or land and includes spirits, wines and fermented liquors:

Provided that the State Government may, by notification in the *Official Gazette*, declare that any specified kind of country liquor shall, for the purposes of this Act, be deemed to be foreign liquor;

(*7*) "hemp drugs" means ganja and bhang;

(*8*) "intoxicant" means foreign liquor, country liquor, spirituous medicinal preparation, non-potable liquor, opium and hemp drugs;

(*9*) "licence" means a licence granted or renewed under this Act;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, p. 319.
[2] This sub-section was substituted for the original by Bom. 52 of 1953, s. 2.

(*10*) "medicated or tonic wine" means a mixture or compound of any wine with medicinal substances, whether the wine is fortified with spirit or not and which is a "drug" as defined in the Drugs Act, 1940; XXII of 1940.

(*11*) "non-potable liquor" means,—

(*a*) rectified spirit,

(*b*) denatured spirit,

(*c*) methyl alcohol,

(*d*) higher alcohols, that is, amyl alcohol, butyl alcohol, capryl alcohol, propyl alcohol and fusel oil,

(*e*) any other non-potable liquor which the State Government may, by notification in the *Official Gazette*, declare as such for the purposes of this Act;

(*12*) "opium" means,—

(*a*) the capsules of poppy (*Papaver Somniforum L.*),

(*b*) the spontaneously coagulated juice of such capsules which has not been submitted to any manipulations other than those necessary for packing and transport, and

(*c*) any mixture with or without neutral materials of any of the above forms of opium;

(*13*) "prescribed" means prescribed by rules;

(*14*) "rules" means rules made under this Act;

(*15*) "sale" means a sale of intoxicants made within the State of Bombay for cash or deferred payment or other valuable consideration and includes any supply by a society or club or an association to its members on payment of price or on fees or subscription; the words "sell", "buy" and "purchase" with all their grammatical variations and cognate expressions shall be construed accordingly;

Explanation.—Notwithstanding anything contained in the Indian Sale of Goods Act, 1930, the sale of any intoxicants which have actually been delivered in the State of Bombay as a direct result of such sale for the purpose of consumption in the said State shall be deemed for the purposes of this Act to have taken place in the said State, notwithstanding the fact that the property in the intoxicants has by reason of such sale, passed in another State. III of 1930.

(*16*) "Schedule" means the Schedule appended to this Act;

(*17*) "spirits" means brandy, whisky, rum, gin, liqueurs and milk punch and such other spirits which the State Government may, by notification in the *Official Gazette*, declare as such for the purposes of this Act;

(*18*) "spirituous medicinal preparation" means any medicinal preparation in liquid form containing alcohol and includes a medicated or tonic wine, an Asava or Arishta;

(*19*) "State" means the State of Bombay;

(*20*) "warehouse" means any place where an intoxicant is manufactured, stored or kept for purposes other than private consumption;

11. (*1*) The Collector may, for the purposes of this Act, at all reasonable times,— Production and inspection of accounts and documents and search of premises.

(*a*) require any person, to whom sub-section (*1*) of section 6 applies, to produce before him accounts, registers or other documents or to furnish any other information, or

(*b*) inspect the accounts, registers and other documents and the stocks of any intoxicants stored or kept in any shop, warehouse or place of business of any such person, or

(*c*) enter and search any building, vessel, vehicle or place in which he has reason to believe that an intoxicant is stored or kept for the purpose of its sale.

(*2*) If the Collector has reason to suspect that any person is attempting to commit an offence punishable under this Act, he may for reasons to be recorded in writing seize such accounts, registers or other documents of such person as may be necessary and shall grant a receipt for the same and shall retain the same only for so long as may be necessary for examination thereof or for a prosecution.

12. All searches made under section 11 shall be made in accordance with the provisions of the Code of Criminal Procedure, 1898. Searches how made.

V of 1898.

13. (*1*) The Collector and any person appointed to assist him who is empowered in this behalf by the State Government shall have the power to investigate all offences punishable under this Act. Power of investigation.

(*2*) The Collector and every person so empowered shall, in the conduct of such investigation, exercise the powers conferred by the Code of Criminal Procedure, 1898, upon an officer in charge of a police station for the investigation of a cognizable offence.

V of 1898.

14. [1]*Whoever,— Penalty for contraventions or requirements under various provisions of the Act.

(*a*) contravenes the provisions of section 8, or

(*b*) fails, without sufficient cause, to keep or maintain accounts or to submit any statement as required by section 9 or knowingly keeps or maintains false accounts or submits false statement, or

(*c*) fails to comply with any requirement made of him under sub-section (*1*) of section 11, or

(*d*) knowingly produces false accounts, registers or documents, or knowingly furnishes false information, or

(*e*) obstructs any officer making an inspection, a search or a seizure under section 11, or

(*f*) aids or abets any person in the commission of any act specified in clauses (*a*) to (*e*) of this sub-section,

all, in addition to the recovery of any tax that may be due from him, on conviction, be punished with simple imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both; and in the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

[1] The brackets and figure "(*1*)" were deleted by Bom. 21 of 1954, First Schedule.

Offences to be bailable.

15. All offences punishable under this Act shall be bailable.

Jurisdiction to try offences.

16. No Magistrate, below the rank of a Presidency Magistrate or a Magistrate of the Second Class, shall try an offence under this Act.

Power to compound offences.

17. (*1*) The Collector may accept from any person who has committed an offence punishable under this Act or the rules made thereunder by way of composition of such offence, such sum of money as the Collector may fix, which shall not exceed,—

(*i*) a sum double the amount of the tax payable under section 3 in respect of any sales conducted by such person, or

(*ii*) one thousand rupees,

whichever is greater.

(*2*) On the payment of such sum to the Collector, the accused person shall be discharged and no further proceedings shall be taken against such person in respect of such offence.

Delegation of power by Collector.

18. Subject to the general or special orders of the State Government, the Collector may delegate any of the powers conferred upon him by or under this Act or the rules framed thereunder to any person appointed to assist him under the Bombay Sales Tax Act, 1953, not below the rank of a Sales Tax Officer (Junior). Bom. III of 1953.

Licence fee and other dues to be recoverable as arrears of land revenue.

19. All sums payable as taxes, fees or penalties under section 3, 4 or 7 shall be recoverable as arrears of land revenue.

Officers to be public servants.

20. All officers acting under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Protection of person acting in good faith and limitation of suits and prosecutions.

21. (*1*) No suit, prosecution or other legal proceedings shall be instituted against any officer of Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

(*2*) No suit shall be instituted against the State and no prosecution or suit shall be instituted against any officer of Government in respect of anything done or intended to be done, under this Act unless the suit or prosecution has been instituted within six months from the date of the act complained of.

Appeal and revision.

22. (*1*) Within sixty days of the making of any order under this Act, other than an order made by the Collector, any person aggrieved by such order may, in the prescribed manner, appeal to the prescribed authority against such order.

(*2*) Every order passed in appeal under this section shall, subject to the powers of revision conferred by sub-sections (*3*) and (*4*), be final.

(*3*) Subject to such rules as may be made in this behalf and for reasons to be recorded in writing, the Collector may, upon application or of his own motion, revise any order passed under this Act or the rules thereunder by a person to whom he has delegated any of his powers under section 18;

The Bombay Nurses, Midwives and Health Visitors Registration Act, 1935 (Bom. VII of 1935), at pages 1949-1958 has been repealed by the Bombay Nurses, Midwives and Health Visitors Act, 1954 (Bom. XIV of 1954), section 33.

BOMBAY ACT No. XLIII OF 1953.[1]

[THE BOMBAY MERGED TERRITORIES (ANKADIA TENURE ABOLITION) ACT, 1953.]

[*22nd June 1953*]

Amended by Bom. 58 of 1954.
" " " 2 of 1955.

An Act to abolish Ankadia Tenure prevailing in certain parts of the State of Bombay.

WHEREAS it is expedient to abolish the Ankadia tenure prevailing in the merged territories of the former States of Baroda, Idar, Balasinor, Malpur, [2][Ambaliara,] Lunawada and Deogadh Baria [2][and of the former estate of Ramas], to extinguish the rights appertaining thereto and to provide for other consequential and incidental matters hereinafter appearing ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953.

(*2*) It extends to the merged territories of the former States of Baroda, Idar, Balasinor, Malpur, [2][Ambaliara,] Lunawada and Deogadh Baria [2][and of the former estate of Ramas] which are included in the districts of Baroda, Kaira, Panch Mahals, Sabar Kantha, Ahmedabad, Mehsana and Amreli.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Ankadedar" means a person holding an Ankadia village on Ankadia tenure and includes his co-sharer ;

(*b*) "Ankadia tenure" means the tenure on which a village is held by an Ankadedar—

(*i*) in the mergd territories of the former State of Baroda under the Baroda Ankadia Villages Rules of 1932, and

(*ii*) in the merged territories of the former States of Idar, Balasinor, Malpur, [2][Ambaliara,] Lunawada and Deogadh Baria [2][and of the former estate of Ramas] in accordance with the terms of a lease or any other agreement ;

(*c*) "Ankadia villages" means the villages specified in the first and second Schedules ;

(*d*) "Ankado" means a lump sum payable annually to Government by an Ankadedar out of the revenues realised by him annually from an Ankadia village ;

Bom. V of 1879.

(*e*) "Code" means the Bombay Land Revenue Code, 1879 ;

(*f*) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

(*g*) "Gharkhed land" means the land held by an Ankadedar as his private or personal property ;

(*h*) "Jiwai land" means a land held by a cadet of an Ankadedar's family for the purpose of maintenance ;

(*i*) "prescribed" means prescribed by rules under this Act ;

(*j*) "Schedule" means a Schedule appended to this Act.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, pp. 165-166.

[2] These words were inserted by Bom. 2 of 1955, s. 3, Second Schedule. This has been given retrospective effect.

(*2*) Any word or expression which is defined in the Code and not defined in this Act shall be deemed to have the meaning assigned to it by the Code.

(*3*) References in this Act to the provisions of the Baroda Ankadia Villages Rules of 1932 and the leases and agreements governing Ankadia tenure and incidents of Ankadia tenure shall, notwithstanding the repeal of the said Rules, the cancellation of the said leases and agreements and the abolition of the said tenure by this Act, be construed as references to the said provisions, leases, agreements and incidents as they were in force immediately before this Act comes into force.

(*4*) If any question arises whether any land is Gharkhed or Jiwai, the State Government or any officer authorised by the State Government shall decide the question and such decision shall be final.

Abolition of Ankadia tenure.

3. With effect from and on the date on which this Act comes into force—

(*i*) the Ankadia tenure, wherever it prevails in the territory to which this Act extends shall be deemed to have been abolished.

(*ii*) save as expressly provided by this Act all the incidents of the said tenure shall be deemed to have been extinguished ;

(*iii*) all the leases or agreements under which the Ankadia villages specified in the second Schedule were held immediately before the coming into force of this Act shall be deemed to have been cancelled ;

(*iv*) all the Ankadia villages are hereby resumed and all lands in such villages shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder :

Provided that nothing in clause (*iv*) shall be deemed to affect,—

(*a*) *devasthan* inams or inams held by religious or charitable institutions ; and

(*b*) inams held for service useful to Government :

Provided further that nothing in this section shall affect the payment of maintenance allowance to a widow of a deceased Ankadedar sanctioned by the State Government under the provisions of the Baroda Ankadia Villages Rules of 1932.

Persons to be deemed as occupants.

4. (*1*) (A) In an Ankadia village specified in the first Schedule—

(*i*) in the case of Gharkhed land held by an Ankadedar, the Ankadedar,

(*ii*) in the case of Jiwai land, the person holding such land,

(*iii*) in the case of land held by a person who immediately before the coming into force of this Act was liable to pay to the Ankadedar land revenue or rent in respect of such land as an incident of Ankadia tenure, such person, and

(B) in an Ankadia village specified in the Second Schedule,

(*i*) in the case of Gharkhed land held by an Ankadedar, the Ankadedar, and

(*ii*) in the case of land held by a person whose name has been immediately before the commencement of this Act, entered in the record of rights as occupier (Kabjedar) of such land and who was liable to pay to the Ankadedar land revenue in respect of such land as an incident of Ankadia tenure, such person,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force.

	Name of the village.	District.
11.	Sujanpura	Mehsana.
12.	Dedana	Do.
13.	Sunasar	Do.
14.	Delapura	Do.
15.	Wamaiya	Do.
16.	Sanpara	Do.
17.	Bhundiya	Ahmedabad.
18.	Lahekawada	Do.
19.	Chekhalarani	Do.
20.	Nani Dau	Mehsana.
21.	Nagalpur Wanto	Do.
22.	Chhatiarda Wanto.	Do.
23.	Iyasara	Do.
24.	Gunja Wanto	Do.
25.	Sawala	Do.

THE SECOND SCHEDULE

[*See* section 2 (*1*) (*c*)].

Ankadia villages in the merged territories of the former Idar, Balasinor, Malpur, Ambaliara,] Lunawada and Devgadh Baria States [1][and of the former estate of Samas].

	Name of the Village.	District.
1.	Banthiwada Ajuna	Sabar Kantha.
2.	Banthiwada Hirola	Do.
3.	Banthiwada Lalkupa	Do.
4.	Banthiwada Jema	Do.
5.	Banthiwada Bamni	Do.
6.	Banthiwada Hira Tinba	Do.
7.	Rayawada	Do.
8.	Bhemapur	Do.
9.	Vagnora	Do.
10.	Lakhapur	Do.
11.	Surdevi	Do.
12.	Baskavo Danti	Do.
13.	Nesda	Do.
14.	Lalodia	Do.

[1] These words were inserted by Bom. 2 of 1955, s. 3, Second Schedule. This has been given retrospective effect.

	Name of the Village.	District.
15.	Lambhoya	Sabar Kantha.
16.	Rajpur	Do.
17.	Keshra Damor na Dhundha	Do.
18.	Palla	Do.
19.	Dhuleta	Do.
20.	Dachaka	Do.
21.	Mandali	Do.
22.	Vegha Damor na Dhundha	Do.
23.	Krishnapur	Do.
24.	Belyo	Do.
25.	Limbodra	Do.
26.	Karanpur	Do.
27.	Vasai	Do.
28.	Royania	Do.
29.	Dhanivada	Do.
30.	Ghandikyara	Do.
31.	Pisal	Do.
32.	Kamreda	Do.
33.	Sisodra	Do.
34.	Ghodnal	Do.
35.	Ankhol	Do.
36.	Manpur (Ramas)	Do.
37.	Ledhiana Pahadia	Do.
38.	Kanela	Do.
39.	Mora	Do.
40.	Othwad	Kaira.
41.	Nawagam	Do.
42.	Bar	Do.
43.	Jodhpur	Do.
44.	Saradia	Do.
45.	Limarvada	Do.
46.	Parabia	Do.
47.	Bhanthals	Do.

THE BOMBAY SALES OF INTOXICANTS TAXATION ACT, 1953

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SCHEDULE.

BOMBAY ACT No. XLVII OF 1953.[1]

[THE BOMBAY SALES OF INTOXICANTS TAXATION ACT, 1953.]

[*23rd July 1953*]

Amended by Bom. 52 of 1953.

An Act to provide for the levy of a tax on the sales of intoxicants in the State of Bombay.

WHEREAS it is expedient to provide for the levy of a tax on the sales of intoxicants in the State of Bombay; It is hereby enacted as follows :—

1. (*1*) This Act may be called the Bombay Sales of Intoxicants Taxation Act, 1953. Short title, extent and commencement.

(*2*) It shall extend to the whole of the State of Bombay.

[2][(*3*) This section shall come into force at once. The State Government may, by notification in the *Official Gazette*, direct that the remaining provisions of this Act shall come into force in respect of such intoxicants specified in column 1 of the Schedule and on such date as may be specified in the notification.]

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*1*) "asava or arishta" means a medicinal preparation in liquid form which contains alcohol generated by a process of fermentation and which is prepared in accordance with the Ayurvedic system of medicine;

(*2*) "Collector" means the Collector of Sales Tax appointed under the Bombay Sales Tax Act, 1953; Bom. III of 1953.

(*3*) "country liquor" means all liquor, other than foreign liquor, produced or manufactured in India;

(*4*) "duty paid foreign liquor" means foreign liquor on which,—

(*i*) duty leviable under the Indian Tariff Act, 1934, or the Sea Customs Act, 1878, or XXXII of 1934. VIII of 1878.

(*ii*) the excise or countervailing duty under the Bombay Prohibition Act, 1949, Bom. XXV of 1949.

has been paid and includes foreign liquor which is exempted from such duty;

(*5*) "fermented liquor" means ale, beer, milk stout, stout (porter) and cider and such other fermented liquor which the State Government may, by notification in the *Official Gazette*, declare as such for the purposes of this Act;

(*6*) "foreign liquor" means duty-paid potable foreign liquor brought into India by sea, air or land and includes spirits, wines and fermented liquors:

Provided that the State Government may, by notification in the *Official Gazette*, declare that any specified kind of country liquor shall, for the purposes of this Act, be deemed to be foreign liquor;

(*7*) "hemp drugs" means ganja and bhang;

(*8*) "intoxicant" means foreign liquor, country liquor, spirituous medicinal preparation, non-potable liquor, opium and hemp drugs;

(*9*) "licence" means a licence granted or renewed under this Act;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, p. 319.

[2] This sub-section was substituted for the original by Bom. 52 of 1953, s. 2.

(*10*) "medicated or tonic wine" means a mixture or compound of any wine with medicinal substances, whether the wine is fortified with spirit or not and which is a "drug" as defined in the Drugs Act, 1940; XXI of 1940.

(*11*) "non-potable liquor" means,—

(*a*) rectified spirit,

(*b*) denatured spirit,

(*c*) methyl alcohol,

(*d*) higher alcohols, that is, amyl alcohol, butyl alcohol, capryl alcohol, propyl alcohol and fusel oil,

(*e*) any other non-potable liquor which the State Government may, by notification in the *Official Gazette*, declare as such for the purposes of this Act;

(*12*) "opium" means,—

(*a*) the capsules of poppy (*Papaver Somniforum L.*),

(*b*) the spontaneously coagulated juice of such capsules which has not been submitted to any manipulations other than those necessary for packing and transport, and

(*c*) any mixture with or without neutral materials of any of the above forms of opium;

(*13*) "prescribed" means prescribed by rules;

(*14*) "rules" means rules made under this Act;

(*15*) "sale" means a sale of intoxicants made within the State of Bombay for cash or deferred payment or other valuable consideration and includes any supply by a society or club or an association to its members on payment of price or on fees or subscription; the words "sell", "buy" and "purchase" with all their grammatical variations and cognate expressions shall be construed accordingly;

Explanation.—Notwithstanding anything contained in the Indian Sale of Goods Act, 1930, the sale of any intoxicants which have actually been delivered in the State of Bombay as a direct result of such sale for the purpose of consumption in the said State shall be deemed for the purposes of this Act to have taken place in the said State, notwithstanding the fact that the property in the intoxicants has by reason of such sale, passed in another State. III of 1930.

(*16*) "Schedule" means the Schedule appended to this Act;

(*17*) "spirits" means brandy, whisky, rum, gin, liqueurs and milk punch and such other spirits which the State Government may, by notification in the *Official Gazette*, declare as such for the purposes of this Act;

(*18*) "spirituous medicinal preparation" means any medicinal preparation in liquid form containing alcohol and includes a medicated or tonic wine, an Asava or Arishta;

(*19*) "State" means the State of Bombay;

(*20*) "warehouse" means any place where an intoxicant is manufactured, stored or kept for purposes other than private consumption;

Provided that—

(*a*) no application under this sub-section shall be entertained if it is not made within a period of four months from the date of the order ;

(*b*) before rejecting any application for the revision of any such order, the Collector shall record reasons for such rejection ; and

(c) before any order is passed under this sub-section which is likely to affect any person adversely, such person shall be given a reasonable opportunity of being heard.

(*4*) The State Government may, at any time, call for and examine the record of any order of, or the proceedings recorded by, any officer or person for the purpose of satisfying itself as to the legality or propriety of such order passed by, or as to the regularity of such proceedings of, such officer or person and may pass such order in reference thereto as it thinks fit.

23. The State Government may, by rules made in this behalf, exempt any class of persons or any intoxicant from all or any of the provisions of this Act if the State Government is satisfied that in public interest such exemption is necessary. **Power of Government to exempt class of persons and any intoxicant from Act.**

[1][**23A.** The State Government may, by notification in the *Official Gazette* reduce the rate of tax leviable on the sale of any intoxicant specified in column 1 of the Schedule.] **Power of State Government to reduce rate of tax.**

24. (*1*) The State Government may, for the purposes of carrying out the provisions of this Act, make rules. **Power to make rules.**

(*2*) In particular and without prejudice to the generality of the foregoing provision, the State Government may make rules for the following matters, namely :—

(*a*) the stage and time at which and the manner in which the tax shall be levied under section 4 ;

(*b*) the manner of making an application, the form, term and conditions of licences under section 7, the term of renewal and the fees for the grant or renewal thereof ;

(*c*) the form of accounts to be maintained and of statements to be submitted, the dates by which and the manner in which such statements are to be submitted under section 9 ;

(*d*) the conditions subject to which a licence may be suspended or cancelled under section 10 ;

(*e*) the manner in which, and the authority to which, appeals against any order under this Act may be preferred under section 22 ;

(*f*) the procedure for, and other matters (including fees) incidental to, the disposal of appeals and applications for revision under section 22 ;

(*g*) the conditions and restrictions subject to which any class of persons or any intoxicant may be exempted from all or any of the provisions of this Act under section 23 ;

(*h*) any other matter which is required to be or may be prescribed.

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[1] This section was inserted by Bom. 52 of 1953, s. 3.

(*3*) Any rule made under this section may provide that any person contravening any such rule shall be liable, on conviction, to be punished with a fine which may extend to one hundred rupees.

(*4*) Rules made under this section shall be subject to the condition of previous publication and shall be published in the *Official Gazette*.

Act and rules not to apply to certain sales or purchases.

25. Nothing in this Act or the rules made thereunder shall apply to any sale or purchase of any intoxicants or impose or authorise the imposition of a tax under this Act on any sale or purchase of any intoxicant, where such sale or purchase takes place—

(*a*) (*i*) outside the State ; or

(*ii*) in the course of the import of the intoxicants into the territory of India, or the export of the intoxicant out of such territory ; or

(*b*) in the course of inter-State trade or commerce, except in so far as Parliament may by law otherwise provide,

and the provisions of this Act and the said rules shall be read and construed accordingly.

Explanation.—For the purpose of clause (*a*) (*i*), a sale or purchase shall be deemed to have taken place in the State in which the intoxicant has actually been delivered as a direct result of such sale or purchase for the purpose of consumption in that State, notwithstanding the fact that under the general law relating to sale of goods the property in the intoxicant has by reason of such sale or purchase passed in another State.

Non-application of Bombay Sales Tax Act, 1953, to intoxicants.

26. Nothing in the Bombay Sales Tax Act, 1953, in so far as it provides for the levy of special tax under the said Act shall apply to the sale or purchase of any intoxicant on the sale of which a tax is levied under this Act. Bom. III of 1953.

SCHEDULE.

(*See* section 3.)

Name of Inoxicant.	Rate of tax.
1	2
1. (*i*) Foreign liquor (*ii*) Country liquor.	... Six annas in the rupee of the sale price.
2. Spirituous medicinal preparations.	Four annas in the rupee of the sale price.
3. (*i*) Non-potable liquor (*ii*) Opium. (*iii*) Hemp drugs.	... One anna in the rupee of the sale price.

BOMBAY ACT No. XLVIII OF 1953.[1]

[THE BOMBAY MERGED TERRITORIES MATADARI TENURE ABOLITION ACT, 1953.]

[*26th August 1953*]

Amended by Bom. 66 of 1953.

An Act to abolish Matadari tenure prevailing in certain parts of the State of Bombay.

WHEREAS it is expedient to abolish the tenure on which certain Matadari Estates are held in the merged territories of the former Bavishi, Vatrakkantha and Gadhwada Thanas and to provide for certain consequential and incidental matters hereinafter appearing; It is hereby provided as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Merged Territories Matadari Tenure Abolition Act, 1953.

(*2*) It extends to the merged territories of the former Bavishi, Vatrakkantha and Gadhwada Thanas which are included in the districts of Ahmedabad, Kaira and Sabarkantha.

(*3*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* appoint in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context—

(*i*) "Ankdo" means a lump sum paid annually by a Matadar to Government as revenues of a Matadari estate;

(*ii*) "Bhayati land" means the land assigned to a co-sharer of a Matadar;

(*iii*) "Code" means the Bombay Land Revenue Code, 1879;

Bom. V of 1879.

(*iv*) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;

(*v*) "Gharkhed land" means the land held by a Matadar as his private or personal property;

(*vi*) "land register" means a register of lands in a village comprising a Matadari estate maintained in such village;

(*vii*) "Matadar" means the holder of a Matadari estate and includes his co-sharer;

(*viii*) "Matadari estate" means a Matadari estate specified in the Schedule appended to this Act;

(*ix*) "Matadari tenure" means a land tenure on which a Matadari estate is held by a Matadar;

(*x*) "prescribed" means prescribed by rules made under this Act;

(*xi*) "registered occupant" means a person whose name is entered in the land register as the holder of a Sarkari land;

(*xii*) "Sarkari land" means a land shown in the land register as "Sarkari".

(*2*) Any word or expression which is defined in the Code and not defined in this Act shall be deemed to have the meaning given to it in the Code.

(*3*) Reference in this Act to the incidents of the Matadari tenure shall, notwithstanding the abolition of the said tenure by this Act, be construed as references to the incidents as they were in force immediately before this Act comes into force.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 39.

(*4*) If any question arises whether any land is Gharkhed, Bhayati or Sarkari, the State Government or any officer authorised by the State Government shall decide the question and his decision shall be final.

Abolition of Matadari tenure.

3. With effect from and on the date on which this Act comes into force—

(*1*) the Matadari tenure, wherever it prevails in the territory to which this Act extends, shall be deemed to have been abolished;

(*2*) save as expressly provided by this Act, all the incidents of the said tenure shall be deemed to have been extinguished;

(*3*) all the villages comprised in the Matadari estates are hereby resumed and all lands in such villages shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder:

Provided that nothing in this section shall be deemed to affect any *devasthan* inam or inams held for religious or charitable institutions.

Persons to be deemed as occupants.

4. (*1*) In a Matadari estate—

(*a*) in the case of Gharkhed land held by a Matadar, such Matadar;

(*b*) in the case of Bhayati land held by a co-sharer of a Matadar, such co-sharer; and

(*c*) in the case of Sarkari land, the registered occupant holding such land;

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force.

(*2*) With effect from the date on which this Act comes into force, the land in respect of which any person is entitled to the rights of an occupant under sub-section (*1*) shall be free from the liability for the payment of any amount in respect thereof to the Matadar as an incident of Matadari tenure and all the rights of a Matadar in his capacity as Matadar in such land shall be deemed to have been extinguished.

Uncultivated and waste lands and all property of the nature specified in section 37 of the Code vests in Government.

5. For the removal of doubt it is hereby declared that all uncultivated and waste lands whether assessed or unassessed in a Matadari estate and all other kinds of property referred to in section 37 of the Code situate in a Matadari estate, which are not the property of the individuals or of any aggregate persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be otherwise provided in any law for the time being in force, are, together with all rights in and over the same or appertaining thereto, the property of the State Government and it shall be lawful to dispose of or set apart the same by the authority and for the purpose provided in section 37 or 38 of the Code, as the case may be.

Method of compensation for the extinguishment or modification of rights of Matadars.

6. (*1*) If a Matadar is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in a Matadari estate, he may apply to the Collector for compensation.

(*2*) Such application shall be made in the prescribed form within six months from the date on which this Act comes into force.

(*3*) The Collector shall, subject to the provisions of section 7, after holding a formal inquiry in the manner provided by the Code, determine the amount of such compensation and the apportionment, if necessary, among the co-sharers entitled to it and shall make an award accordingly.

(*4*) Subject to the provisions of section 10, the award of the Collector shall be final.

Amount of compensation.

7. (*1*) Where a Matadar was, as an incident of Matadari tenure, entitled to a portion of the revenues of the Matadari estate remaining after payment of the *Ankdo* to Government, the amount of compensation shall be three times the average of the amount of such portion proved to have been received by the Matadar during the five years immediately before the date on which this Act comes into force.

(*2*) Where a Matadar was receiving cash allowance for the collection of revenue of his Matadari estate, the amount of compensation shall be seven times the amount of cash allowance received by the Matadar for the year immediately preceding the date on which this Act comes into force.

Method of compensation for extinguishment or modification of rights of any other person.

8. (*1*) If any person other than a Matadar is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in land and if such person proves that such extinguishment or modification amounts to the transference to public ownership of such land or any right in or over such land, such person may apply to the Collector for compensation within a period of six months from the date on which this Act comes into force.

(*2*) The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining such amount of compensation as he deems reasonable and adequate.

(*3*) Subject to the provisions of section 10, the award of the Collector shall be final.

In determining compensation, sections 23 and 24 of Act I of 1894 to be applicable.

9. In determining the amount of compensation under section 6 or 8, the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894.

I of 1894.

Appeals against award.

10. (*1*) Any person aggrieved by the award of the Collector made under section 6 or 8 may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939.

Bom. XII of 1939.

(*2*) In deciding an appeal under sub-section (*1*), the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908.

V of 1908.

Limitation for appeals.

11. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal.

IX of 1908.

Court Fees.

12. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. VII of 1870.

Amount of compensation payable in transferable bonds.

[1][**13.** The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.]

Provisions of Bom. LXVII of 1948 to govern relations of landlord and tenant in Matadari village.

14. Nothing in this Act shall, in any way, be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any of the lands comprised in any Matadari estate, or the mutual rights and obligation of a landlord and his tenant in respect of such lands, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. Bom. LXVII of 1948.

Rules.

15. The State Government may make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication and shall, when finally made, be published in the *Official Gazette*.

Saving.

16. Nothing contained in this Act shall affect—

(*1*) any obligation or liability already incurred under an incident of Matadari tenure before the date on which this Act comes into force ; or

(*2*) any proceeding or remedy in respect of any such obligation or liability and any such proceeding or remedy may be instituted, continued or enforced, as if this Act had not been passed.

SCHEDULE.

(*See* SECTION 2.)

Serial No.	Name of the Matadari Estate.	District.
1	Harakhji-na-Muada	Ahmedabad.
2	Amraji-na-Muada	Do.
3	Vatva	Do.
4	Bardoli	Do.
5	Harsoli	Do.
6	Palundra	Do.
7	Dabhoda	Do.
8	Vadodra	Do.
9	Salki	Do.

[1] This section was substituted for the original by Bom. 66 of 1953, s. 2.

BOMBAY ACT No. L OF 1953.[1]

[THE BOMBAY LAND TENURES ABOLITION (RECOVERY OF RECORDS) ACT, 1953.]

[*7th October 1953*]

An Act to provide for taking over records maintained by the holders of lands or villages held on tenures which have been abolished by certain enactments in the State of Bombay.

WHEREAS it is expedient to provide for taking over records maintained by the holders of lands or villages held on tenures which have been abolished by certain enactments in the State of Bombay; It is hereby enacted as follows :—

1. This Act may be called the Bombay Land Tenures Abolition (Recovery of Records) Act, 1953. Short title.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(*1*) "holder" means—

(*a*) a taluqdar,

(*b*) a watandar,

(*c*) a vazifdar,

(*d*) an estate-holder,

(*e*) a mulgirasia,

(*f*) an ankadedar,

(*g*) a kaul-holder, or

(*h*) an inamdar,

as defined or referred to in the respective Land Tenure Abolition Acts and includes his heirs, assigns and legal representatives and also a person who for the time being is in possession of any land records on behalf of such holder;

(*2*) "Land Tenure Abolition Act" means an Act specified in the Schedule to this Act;

(*3*) "land records" means records maintained by a holder in respect of the land or village held by him at any time before the abolition of the tenure on which such land or village was held;

(*4*) "prescribed" means prescribed by rules made under this Act.

3. It shall be the duty of every holder to deliver, in the prescribed manner, within two months from the date of the commencement of this Act, all land records in his possession to the Collector or to such officer as may be appointed by the State Government in this behalf: Holder to deliver land records to State Government.

Provided that in the case of any holder, the Collector or the officer, as the case may be, may, for sufficient reasons, extend such period by a further period not exceeding two months.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 435.

Power to make searches.

4. If the Collector or the officer appointed under section 3 has reason to believe that any holder is not likely to deliver the land records as required by section 3 or is likely to destroy them or tamper with them, he may, for the purpose of recovering such records, issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1898. V of 1898.

Offence and penalty.

5. If a holder fails to deliver land records in accordance with the provisions of section 3, he shall, on conviction, be punished with fine which may extend to two hundred rupees. In the case of a continuing failure to deliver land records, the holder shall be punished with an additional fine which may extend to twenty-five rupees for every day during which such failure continues after conviction for the first such failure.

Rules.

6. The State Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act. Such rules shall, when finally made, be published in the *Official Gazette*.

SCHEDULE.

(*See* section 2.)

1. The Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. LXII of 1949).

2. The Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950 (Bom. LX of 1950).

3. The Bombay Watwa Vazifdari Rights Abolition Act, 1950 (Bom. LXII of 1950).

4. The Salsette Estates (Land Revenue Exemption Abolition) Act, 1951 (Bom. XLVII of 1951).

5. The Bombay Personal Inams Abolition Act, 1952 (Bom. XLII of 1953).

6. The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953 (Bom. XLIII of 1953).

7. The Bombay Kauli and Katuban Tenures (Abolition) Act, 1953 (Bom. XLIV of 1953).

8. The Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953 (Bom. XLV of 1953).

9. The Bombay Merged Territories (Baroda Watan Abolition) Act, 1953 (Bom. XLVI of 1953).

THE BOMBAY (SECOND SUPPLEMENTARY) APPROPRIATION ACT, 1953.

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SCHEDULE.

BOMBAY ACT No. LI OF 1953.[1]

[THE BOMBAY (SECOND SUPPLEMENTARY) APPROPRIATION ACT, 1953.]

[*14th October 1953*]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1954.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1954, and for the purpose of authorising payment of the said sums; It is hereby enacted as follows:—

1. This Act may be called the Bombay (Second Supplementary) Appropriation Act, 1953. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rs. 7,17,77,333 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1954, in respect of the services and purposes specified in column 2 of the Schedule. Issue of Rs. 7,17,77,333 out of the Consolidated Fund of the State of Bombay for the year 1953-54.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1954. Appropriation.

SCHEDULE.

(*See* Sections 2 and 3.)

Serial No.	Services and Purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
1	Land Revenue ...	7–Land Revenue ..	60	55,120	55,180
2	State Excise ..	8–State Excise ..	....	625	625
3	Stamps ..	9–Stamps	10	....	10
4	Forest	10–Forest	20,560	....	20,560
5	Charges on account of Motor Vehicles Act.	12–Charges on account of Motor Vehicles Act.	6,66,920	....	6,66,920

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 508.

SCHEDULE—*contd.*

Serial No.	Services and Purposes.	Heads of Accounts.	Sums not exceeding: Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
6	Other Taxes and Duties ..	13–Other Taxes and Duties.	1,10,290	....	1,10,290
7	Irrigation (including Working expenses).	XVII–Deduct Working Expenses and 18 Other revenue expenditure financed from ordinary revenues.	67,40,036	....	67,40,036
8	Interest on Debt and Other Obligations.	22–Interest on Debt and other Obligation.	....	20,02,532	20,02,532
9	Appropriation for Reduction or Avoidance of Debt.	23–Appropriation for reduction or Avoidance of Debt.	....	16,50,886	16,50,886
10	General Administration ..	25–General Administration.	66,37,233	....	66,37,233
11	Administration of Justice	27–Administration of Justice.	50	....	50
12	Police	29–Police	8,263	....	8,263
13	Dangs District ..	33–A—Dangs District ...	10	....	10
14	Scientific Departments ...	36–Scientific Departments.	10	.....	10
15	Education ...	37–Education ...	16,50,351	.....	16,50,351
16	Medical	38–Medical ...	5,330	.....	5,330
17	Public Health ...	39–Public Health ...	92,030	.....	92,030
18	Agriculture	40–Agriculture ...	68,53,304	.....	68,53,304
19	Industries	43–Industries ...	10	.....	10
20	Industrial Development ...	43–A—Capital Outlay on Industrial Development.	50,000	.....	50,000
21	Miscellaneous Departments (except labour).	47–Miscellaneous Department.	96,68,305	2,201	96,70,506
22	Labour	47–Miscellaneous Departments.	77,180	2,141	79,321
23	Civil Works	50–Civil Works ...	50,30,742	6,200	50,36,942

SCHEDULE—*con'd.*

Serial No.	Services and Purposes.	Heads of Accounts.	Sums not exceeding. Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
24	Bombay Development Scheme.	51-Bombay Development Scheme.	78,570	.....	78,570
25	Other Revenue Expenditure connected with the Multi-purpose river Schemes.	51-B—Other Revenue Expenditure connected with the Multi-purpose river Schemes.	1,14,000	.....	1,14,000
26	Electricity Scheme ...	XLI-Receipts from Electricity Schemes—Deduct—Working Expenses.	10	.....	10
27	Other Revenue Expenditure connected with Electricity Schemes.	52-A—Other Revenue Expenditure connected with Electricity Schemes.	10	.....	10
28	Stationery and Printing ...	56—Stationery and Printing.	20	.....	20
29	Miscellaneous ...	57—Miscellaneous ...	60,61,248	.....	60,61,248
30	Civil Defence ...	64-B—Civil Defence ...	18,784	.....	18,784
		Total expenditure on revenue account (including Revenue Expenditure and Capital expenditure within Revenue Account).	4,38,83,336	37,19,714	4,76,03,050
31	Irrigation ...	68—Construction of Irrigation, Embankment and Drainage Works.	10,80,010	.....	10,80,010
32	Industrial Development ...	72—Capital Outlay on Industrial Development.	1,18,56,156	.....	1,18,56,156
33	Civil Works ...	81—Capital Account of Civil Works outside the Revenue Account.	20	.....	20
34	Housing for displaced persons and Milk Scheme.	82—Capital Account of other State Works outside the Revenue Account.	80	.....	80
35	Schemes of State Trading.	85-A—Capital Outlay on State Schemes of State Trading.	60	.....	60
		Total Capital expenditure outside the Revenue Account.	1,29,36,326	.....	1,29,36,326

SCHEDULE—*concld.*

Serial No.	Services and Purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
36	Permanent Debt ...	Permanent Debt ...	.....	12,00,000	12,00,000
37	Loans from the Central Government.	Loans from the Central Government.	.....	16,50,886	16,50,886
	Loans and Advances bearing Interest.	Loans and Advances by State Government.	83,87,071	.....	83,87,071
		Total disbursements under Debt Heads.	83,87,071	28,50,886	1,12,37,957
		Grand Total ...	6,52,06,733	65,70,600	7,17,77,333

THE BOMBAY KHAR LANDS (AMENDMENT) ACT, 1953.

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PREAMBLE.

SECTIONS.

1. Short title.

2 to 8. [*Amendments made by sections 2 to 8 (both inclusive) have been incorporated in the Bombay Khar Lands Act, 1948.*]

9. Amendment made by section 6 to have retrospective effect.

BOMBAY ACT No. LIV OF 1953.[1]

[THE BOMBAY KHAR LANDS (AMENDMENT) ACT, 1953.]

[*20th October 1953*]

An Act to amend the Bombay Khar Lands Act, 1948.

Bom. LXXII of 1948.

WHEREAS it is expedient to amend the Bombay Khar Lands Act, 1948, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Khar Lands (Amendment) Act, 1953. Short title.

2-8. [*Amendments made by sections 2 to 8 both inclusive have been incorporated in the Bombay Khar Lands Act, 1948.*]

9. The provisions of Rule 2 in sub-section (*1*) of section 25 of the said Act as substituted by section 6 of this Act, shall apply and shall be deemed to have applied in respect of all schemes sanctioned by the State Government under sub-section (*2*) of section 15 of the said Act on or after the 11th day of December 1952. Amendment made by section 6 to have retrospective effect.

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1953, Part V, page 371.

THE IDENTIFICATION OF PRISONERS (BOMBAY AMENDMENT) ACT, 1953.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 3 of Act XXXIII of 1920.
3. Insertion of new section 4A in Act XXXIII of 1920.
4. Amendment of section 8 of Act XXXIII of 1920.

BOMBAY ACT No. LVIII OF 1953.[1]

[THE IDENTIFICATION OF PRISONERS (BOMBAY AMENDMENT) ACT, 1953.]

[*2nd November 1953*]

An Act to amend the Identification of Prisoners Act, 1920, in its application to the State of Bombay.

XXXIII of 1920.

WHEREAS it is expedient to amend the Identification of Prisoners Act, 1920, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Identification of Prisoners (Bombay Amendment) Act, 1953. Short title.

XXXIII of 1920.

Bom. XXV of 1949.

2. In section 3 of the Identification of Prisoners Act, 1920, in its application to the State of Bombay (hereinafter referred to as the said Act), in clause (*b*), the following shall be added at the end, namely :— Amendment of section 3 of Act XXXIII of 1920.

"or under section 93 of the Bombay Prohibition Act, 1949."

3. After section 4 of the said Act, the following section shall be inserted, namely :— Insertion of new section 4A in Act XXXIII of 1920.

Bom. LI of 1947.

"4A. Any person against whom an order of restriction has been made under the provisions of the Bombay Habitual Offenders Restriction Act, 1947, shall, if so required, allow his measurements and photographs to be taken by a police officer in the prescribed manner." Taking of measurements, etc., of habitual offenders against whom restriction order is made.

4. In section 8 of the said Act, in clause (*e*) of sub-section (*2*), for the words and figure "under section 3" the words "in accordance with the provisions of this Act" shall be substituted. Amendment of section 8 of Act XXXIII of 1920.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 388.

THE PRESIDENCY SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT, 1953.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2. Amendment of section 47 of Act XV of 1882.

BOMBAY ACT No. LIX OF 1953.[1]

[THE PRESIDENCY SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT, 1953.]

[*10th November 1953*]

An Act to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay.

XV of 1882.

WHEREAS it is expedient to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Presidency Small Cause Courts (Bombay Amendment) Act, 1953.

XV of 1882.

Amendment of section 47 of Act XV of 1882.

2. In section 47 of the Presidency Small Cause Courts Act, 1882, for the words "the occupant binds himself" the words "the occupant, at the earliest opportunity, and in any event before filing any statement of defence, binds himself" shall be substituted.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 402.

THE PAYMENT OF WAGES (BOMBAY AMENDMENT) ACT, 1953.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 3 of Act IV of 1936.
3. Amendment of section 6 of Act IV of 1936.
4. Amendment of section 15 of Act IV of 1936.
5. Insertion of new section 15A in Act IV of 1936.
6. Amendment of section 17 of Act IV of 1936.
7. Amendment of section 20 of Act IV of 1936.
8. Amendment of section 21 of Act IV of 1936.
9. Amendment of section 26 of Act IV of 1936.

BOMBAY ACT No. LXII OF 1953.[1]

[THE PAYMENT OF WAGES (BOMBAY AMENDMENT) ACT, 1953.

[*27th November 1953*]

An Act to amend the Payment of Wages Act, 1936, in its application to the State of Bombay.

IV of 1936. WHEREAS it is expedient to amend the Payment of Wages Act, 1936, in its application to the State of Bombay; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Payment of Wages (Bombay Amendment) Act, 1953.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 3 of Act IV of 1936.

IV of 1936. **2.** In section 3 of the Payment of Wages Act, 1936 (hereinafter referred to as the said Act), for the proviso the following shall be substituted, namely :—

"Provided that, in the case of persons employed (otherwise than by a contractor)—

(*a*) in factories, if a person has been named as the manager of the factory under clause (*f*) of sub-section (*1*) of section 7 of the Factories Act, 1948, then the person so named and the employer jointly and severally;

LXIII of 1948.

(*b*) in industrial establishments, if there is a person responsible to the employer for the supervision and control of the industrial establishment, then the person so responsible and the employer jointly and severally;

(*c*) upon railways (otherwise than in factories), if the employer is the railway administration and the railway administration has nominated a person in this behalf for the local area concerned, then the person so nominated;

shall be responsible for such payment."

Amendment of section 6 of Act IV of 1936.

3. In section 6 of the said Act, the following proviso shall be added, namely :—

"Provided that when the amount of any bonus payable to an employed person exceeds an amount equal to one-fourth of his earnings (exclusive of dearness allowance) for the year to which the bonus relates, such excess shall be paid or invested in the manner prescribed."

Amendment of section 15 of Act IV of 1936.

4. In section 15 of the said Act,—

(*1*) in sub-section (*1*), after the words "Civil Court" the words and figures "or of a Labour Court constituted under the Bombay Industrial Relations Act, 1946," shall be inserted;

Bom. XI of 1947.

(*2*) in sub-section (*2*), in both the provisos, for the words "six months" the words "one year" shall be substituted;

(*3*) in sub-section (*3*), for the words "ten rupees" the words "twenty-five rupees" shall be substituted;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, pages 351-352.

(*4*) after sub-section (*3*) the following shall be inserted, namely :—

"(*3A*) Where at any stage of an application under sub-section (*2*) the authority, upon report made to it and after hearing such employer or other person is satisfied that it is necessary so to do in order that the satisfaction of any direction that may be given under sub-section (*3*) is not delayed or defeated, the authority may order the conditional attachment of the property which may be liable for the satisfaction of such direction, unless such employer or other person either deposits with the authority an adequate sum sufficient to satisfy the claim or gives security for a like amount.

An attachment made under this sub-section shall have the same effect as if made by a competent Civil Court." ;

(*5*) for sub-section (*4*), the following shall be substituted, namely :—

"(*4*) If the authority hearing any application under this section is satisfied,—

(*i*) that the application was either malicious or vexatious, the authority may direct that a penalty not exceeding fifty rupees be paid to the employer or other person responsible for the payment of wages by the person presenting the application ; or

(*ii*) that, in any case in which compensation is directed to be paid under sub-section (*3*), the applicant ought not to have been compelled to seek redress under this section, the authority may direct that a penalty not exceeding fifty rupees be also paid by the employer or other person responsible for the payment of wages. The amount of such penalty when paid or recovered shall be credited to the State Government."

Insertion of new section 15A in Act IV of 1936.

5. After section 15 of the said Act, the following section shall be inserted, namely :—

Liability for payment of court-fees.

"15A. (*1*) In any proceedings under section 15, the applicant shall not be liable to pay any court-fees (other than fees payable for service of process) in respect of such proceedings :

Provided that when the application is presented by an Inspector he shall not be liable to pay the process fees also.

(*2*) Where the applicant succeeds in such proceedings, the authority hearing the application shall calculate the amount of court-fees which would have been payable by the applicant but for sub-section (*1*) and direct the employer or other person responsible for the payment of wages under section 3 to pay such amount to the State Government. Such amount shall, without prejudice to any other mode of recovery, be recoverable as an arrear of land revenue."

Amendment of section 17 of Act IV of 1936.

6. In section 17 of the said Act,—

(*1*) to sub-section (*1*), the following proviso shall be added, namely :—

"Provided that no appeal by an employer or other person responsible for the payment of wages under section 3, under clause (*a*) shall lie unless the memorandum of appeal is accompanied by a certificate by the authority to the effect that the appellant has deposited with it the amount payable under the order appealed against."

(*2*) in sub-section (*2*), after the brackets and figure "(*4*)" the words, brackets figure and letter ", or any order made under sub-section (*3A*)" shall be inserted;

(*3*) after sub-section (*2*), the following sub-section shall be added, namely:—

IX of 1908.

"(*3*) The provisions of section 5 of the Indian Limitation Act, 1908, shall be applicable to appeals under this section."

7. In section 20 of the said Act, in sub-section (*1*), for the words "five hundred rupees" the words "two thousand rupees" shall be substituted.

Amendment of section 20 of Act IV of 1936.

8. In section 21 of the said Act,—

Amendment of section 21 of Act IV of 1936.

(*1*) in sub-section (*1*), for the words "and the authority empowered under the latter section or the appellate Court granting such application" the words "by the authority or the appellate Court and the State Government or any officer authorised by it in this behalf" shall be substituted;

(*2*) in sub-section (*2*),—

(*i*) for the words and figures "the authority empowered under section 15 or the appellate Court," the words "the State Government or the officer authorised by it in this behalf," shall be substituted;

(*ii*) for the words "the authority or Court" the words "the State Government or the authorised officer" shall be substituted.

9. In section 26 of the said Act, in sub-section (*3*),—

Amendment of section 26 of Act IV of 1936.

(*1*) after clause (*d*) the following shall be inserted, namely:—

"(*da*) prescribing the manner in which the excess amount of the bonus shall be paid or invested under section 6;"

(*2*) in clause (*k*),—

(*a*) for the word "court-fees" the words "*ad valorem* or fixed court-fees" shall be substituted;

(*b*) the word "and" shall be deleted.

THE BOMBAY KHOTI ABOLITION (AMENDMENT) ACT, 1953.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2. [*Amendment made by section 2 has been incorporated in the Bombay Khoti Abolition Act, 1949.*]

3. Amendment made by section 2 to have retrospective effect.

BOMBAY ACT No. LXV OF 1953.[1]

[THE BOMBAY KHOTI ABOLITION (AMENDMENT) ACT, 1953.]

[*27th November 1953*]

An Act to amend the Bombay Khoti Abolition Act, 1949.

Bom. VI of 1950.

WHEREAS it is expedient to amend the Bombay Khoti Abolition Act, 1949, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Khoti Abolition (Amendment) Act, 1953. Short title.

2. [*Amendment made by section 2 has been incorporated in the Bombay Khoti Abolition Act, 1949.*]

3. The amendment made by section 2 of this Act shall be deemed to have been made and come into force on the date on which the said Act came into force and shall always be deemed to have been made and in force from such date. Amendmen made by section 2 to have retrospective effect

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 510.

THE BOMBAY VETERINARY PRACTITIONERS ACT, 1953.

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BOMBAY ACT No. LXVIII OF 1953.[1]

[THE BOMBAY VETERINARY PRACTITIONERS ACT, 1953.]

[*8th December 1953*]

An Act to provide for the registration of veterinary practitioners in the State of Bombay.

WHEREAS it is expedient to provide for the registration of veterinary practitioners in the State of Bombay and for certain other purposes; It is hereby enacted as follows:—

PART I.

Introductory.

1. (*1*) This Act may be called the Bombay Veterinary Practitioners Act, 1953. **Short title, extent and commencement.**

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, direct.

2. In this Act, unless there is anything repugnant in the subject or context,— **Definitions**

(*1*) "Council" means the Bombay Veterinary Council established under section 3;

(*2*) "prescribed" means prescribed by rules;

(*3*) "President" means the President of the Council;

(*4*) "register" means the register of veterinary practitioners maintained under section 11;

(*5*) "registered veterinary practitioner" means a veterinary practitioner whose name is for the time being entered in the register;

(*6*) "Registrar" means the Registrar appointed under section 9;

(*7*) "Registration Officer" means the Registration Officer appointed under section 12;

(*8*) "Regulation" means a regulation made under section 32(*2*);

(*9*) "Rule" means a rule made under section 32(*1*);

(*10*) "Schedule" means the Schedule appended to this Act.

PART II.

Bombay Veterinary Council : establishment, constitution, meetings and proceedings.

3. (*1*) The State Government shall, as soon as may be after the preparation of the first register, by notification in the *Official Gazette* establish a Council to be called the Bombay Veterinary Council. **Establishment and constitution of Council.**

(*2*) The Council shall consist of the following members, namely:—

(*a*) the Director of Veterinary Services, Bombay State, *ex-officio*;

(*b*) two members to be elected by registered veterinary practitioners from amongst themselves;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 398.

(*c*) one member from each university in the State in which provision is made for instruction, teaching or training in veterinary science, to be elected by members of the Senate or the Court of the University, as the case may be, from amongst themselves ;

(*d*) one member to be elected by the members of the Bombay Legislative Assembly from amongst themselves ;

(*e*) members not exceeding two in number, if any be nominated by the State Government.

(*3*) The Director of Veterinary Services, Bombay State, shall be the President of the Council.

Nomination of member in default of election.

4. If any of the members is not elected under clause (*b*) of sub-section (*2*) of section 3, then the State Government may, notwithstanding anything contained in sub-section (*2*) of the said section, nominate such member to represent the registered veterinary practitioners and the member so nominated shall for the purposes of the Act be deemed to have been duly elected under clause (*b*) of sub-section (*2*) of section 3.

Election of members.

5. The election of the veterinary practitioners under clause (*b*) of sub-section (*2*) of section 3 shall be held at such time and place and in such manner as the Council may by regulations provide in this behalf:

Provided that the first election of such members shall be held at such time and place and in such manner as the State Government may, by notification in the *Official Gazette*, determine in this behalf.

Tenure of office.

6. (*1*) The members of the Council, other than the President, shall hold office for a term of five years from the date of their election or nomination or until their successors have been duly elected or nominated, whichever is longer, and shall be eligible for re-election or re-nomination, as the case may be :

Provided that a member elected under clause (*c*) or (*d*) of sub-section (*2*) of section 3 shall hold office only so long as he is a member of the Senate or the Court of the University or of the Bombay Legislative Assembly, as the case may be.

(*2*) Any elected or nominated member may at any time resign his appointment by letter addressed to the President. Such resignation shall take effect from the date on which it is received by the President.

(*3*) If any vacancy occurs in the office of a member of the Council through death, resignation or otherwise previous to the expiry of the period of his office, the vacancy shall be filled in accordance with the provisions of sub-section (*2*) of section 3, and such person shall hold office for the remainder of the period for which the member in whose place he is appointed was elected or nominated.

(*4*) (*a*) Leave of absence may be granted by the Council to any member for a period not exceeding six months.

(*b*) Except in the case provided for in clause (*a*), if any member of the Council other than the President shall absent himself from three consecutive ordinary meetings of the Council, the Council may forthwith declare his seat vacant and such declaration shall have the same effect as resignation of his seat by the member concerned.

(5) No act of the Council shall be deemed to be invalid merely by reason of any vacancy in, or defect in the constitution of, the Council or absence of any member on account of leave or otherwise.

7. The Council shall meet at such time and place and every meeting of the Council shall be summoned in such manner, as may be provided by regulations: Time and place of meeting of Council.

Provided that until such regulations are made, it shall be lawful for the President to summon a meeting of the Council at such time and place as he may deem expedient by letter addressed to each member.

8. (1) The President shall preside at every meeting of the Council. In the absence of the President, the members present shall elect one from amongst themselves to preside. Procedure at meetings of Council.

(2) All questions at a meeting of the Council shall be decided by votes of the majority of the members present at the meeting. Three members shall form a quorum.

(3) At every meeting of the Council, the President for the time being shall, in addition to his vote as a member of the Council, have a second or casting vote in case of an equality of votes.

PART III.

Registrar and other officers and servants.

9. The Deputy Director of Veterinary Services, Bombay State, *ex-officio*, or such other officer of the Veterinary Department as the State Government may specify, shall be the Registrar and shall be assisted by such officers and servants in his office as the State Government may determine in this behalf. Registrar and other officers.

10. The members of the Council shall be paid travelling expenses at such rates and subject to such conditions as may be approved from time to time by the State Government. Payment of travelling expenses to members.

PART IV.

Registration and powers and duties of the Council.

11. (1) The State Government shall, as soon as may be, cause to be prepared a register of veterinary practitioners of the State. Register.

(2) The register shall be prepared and thereafter maintained in such form as the State Government may direct. The register shall contain the name, residence and qualification of every person registered under this Act, together with the date on which such qualification was acquired.

12. (1) For the purposes of the preparation of the first register, the State Government may by notification in the *Official Gazette* appoint an officer as the Registration Officer. Preparation of first register.

(2) The State Government by the same or like notification shall appoint a date on or before which the application for registration shall be made to the Registration Officer.

(*3*) The Registration Officer shall examine every application received on or before the appointed date, and after making such enquiry in the prescribed manner, if he is satisfied that the applicant is qualified for registration under section 14, shall direct the entry of the name of the applicant in the register.

(*4*) The register so prepared shall thereafter be published in such manner as the State Government may direct.

Custody and maintenance of register.

13. (*1*) Upon the constitution of the Council for the first time after the commencement of this Act, the register shall be given into its custody and the State Government shall direct that all or a specified part of the application fee for registration in the first register shall be paid to the credit of the Council. The State Government shall notify in the *Official Gazette* the date on which the register is given in the custody of the Council.

(*2*) The Registrar shall keep the register correct as far as possible and may from time to time enter therein any material alteration in address or qualification of the registered practitioners. The names of registered practitioners who die or whose names are directed to be removed from the register under section 16 shall be removed from the register.

(*3*) The State Government may direct that any alteration in the entries as respects additional qualifications shall not be made except on payment of any such fee as may be prescribed by it in that behalf.

Persons entitled to be registered.

14. (*1*) Subject to the provisions of this Act, every person shall, if he holds any of the qualifications included in the Schedule be entitled on application to be registered, on payment of a fee of Rs. 15 and on giving evidence to the satisfaction of the Registration Officer or the Registrar, as the case may be, of his possession of a qualification entitling him for registration.

(*2*) The State Government may, after consulting the Registration Officer or the Council, as the case may be, permit the registration of any person who has been actually conducting veterinary practice in the State of Bombay since a date prior to the 1st day of January 1944, notwithstanding the fact that he may not be possessing qualifications entitling him to have his name entered in the register.

(*3*) Every person for the time being registered with the veterinary Council of any other State in India under any law for the registration of veterinary practitioners in force in such State shall, if reciprocity of registration has been arranged with such Council, be entitled to be registered under this Act, on making an application in that behalf, on payment of a fee of Rs. 15 and on his informing the Registration Officer or the Registrar, as the case may be, of the date of his registration under the said law and on giving a correct description of his qualifications with the dates on which they were granted.

(*4*) Any person who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, or who, being or having been subject to military law, has been convicted under the Army Act or under the Indian Army Act, 1911, or under the Army Act, 1950, of an offence which is also a cognizable offence as so defined, and any person who after due enquiry has been held guilty by the Council of infamous conduct in any professional respect may be refused registration under this Act.

V of 1898. 44 and 45 Vict. Ch. 58. VIII of 1911. XLVI of 1950.

15. (*1*) Any person aggrieved by the decision of the Registration Officer or Registrar regarding the registration of his name or any entry in the register may appeal— Appeals and erasure of incorrect entries.

(*a*) against the decision of the Registration Officer, to the State Government, and

(*b*) against the decision of the Registrar, to the Council.

(*2*) An appeal—

(*a*) to the State Government shall be filed within 30 days from the date of publication of the first register under sub-section (*4*) of section 12 and on payment of a fee of Rs. 5 ; and

(*b*) to the Council shall be filed within such period and on payment of such fee, and shall be heard and decided by the Council in such manner as may be provided by regulations.

(*3*) The State Government in the case of the first register, and in other cases the Council, may on its own motion or on the application of any person after due and proper enquiries and after giving an opportunity to the person concerned of being heard, cancel or alter any entry in the register if in the opinion of the State Government or the Council, as the case may be, such entry was fraudulently made or caused to be made.

16. The Council may direct that the name of any registered veterinary practitioner who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, or who, being or having been subject to military law, has been convicted under the Army Act or under the Indian Army Act, 1911, or under the Army Act, 1950, of an offence which is also a cognizable offence as so defined, or who after due enquiry has been held guilty by the Council of infamous conduct in any professional respect, shall be removed from the register and may direct that any name so removed shall be re-entered. Removal from register.

V of 1898. 44 and 45 Vict. Ch. 58. VIII of 1911. XLVI of 1950.

17. (*1*) Notwithstanding anything contained in section 14 or 21, the Council may direct that a renewal fee of such amount as may be approved by the State Government shall be paid by each veterinary practitioner for the continuance of his name on the register. Renewal fee.

(*2*) Where the renewal fee is not paid before the date fixed by the Council in that behalf, the Registrar shall remove the name of the defaulter from the register :

Provided that the name so removed may be re-entered in the register on payment of the fee in such manner and subject to such conditions as the Council may, by regulations, direct.

18. No certificate required by or under any law for the time being in force from any veterinary practitioner or veterinary officer shall be valid unless the person signing the same shall have been registered under this Act. Certificates by veterinary practitioners.

19. No person shall, except with the sanction of the State Government, hold any appointment for the performance of veterinary duties in any veterinary dispensary, hospital or infirmary which is not supported entirely by voluntary contributions, or which belongs to a local authority or in any public establishment, body or institution, unless he is registered under this Act. Unregistered persons not to hold certain appointments.

Notice of death.

20. Every Registrar of Deaths on receiving notice of the death of a registered veterinary practitioner shall forthwith transmit by post to the Registrar a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificates and transmission as an expense of his office.

Annual list of veterinary practitioners.

21. (*1*) The Registrar shall, in every year on or before a date to be fixed by the Council, cause to be printed and published a correct list of the names and qualifications of all persons for the time being entered in the register and the dates when such qualifications were acquired, in alphabetical order according to the surnames of the persons registered.

(*2*) The list of names and qualifications printed and published in pursuance of sub-section (*1*) shall be evidence in all cases (until the contrary is proved) that the persons therein appearing are duly registered; and the absence of the name of any person from such list shall be evidence (until the contrary is proved) that such person is not registered:

Provided that in the case of any person whose name does not appear in such list a certified copy under the hand of the Registrar of the entry of the name of such person in the register shall be evidence that such person is registered.

Council authorised to call for information and attend examination.

22. The Council shall have authority to call on the governing body or authority of any veterinary college, school or other institution and on any examining body included in or desirous of being included in the Schedule—

(*a*) to furnish such particulars as the Council shall require of any course of study prescribed or examination held by such body or authority or in such college, school or institution, with reference to the grant of any veterinary qualification, and

(*b*) to permit any member of the Council deputed by the Council in this behalf to attend and be present at any such examination.

Disposal of fees.

23. All moneys received by the Council as fees under this Act shall be applied for the purposes of this Act in accordance with such rules as may be made in this behalf by the State Government.

PART V.

Offences and Penalties.

Veterinary practitioners not registered under this Act not to sign or authenticate veterinary certificate, etc.

24. Notwithstanding anything contained in any law for the time being in force, no person other than a person registered under Part IV of this Act—

(*a*) shall sign or authenticate any veterinary or physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified veterinary practitioner, or

(*b*) shall be qualified to give evidence as an expert under section 45 of the Indian Evidence Act, 1872, on any matter relating to veterinary science. I of 1872.

25. No person shall add to his name any title, description, letters or abbreviations which imply that he holds a degree, diploma, licence or certificate as his qualification to practise any system of veterinary science unless— Prohibition against addition of any title, description, etc. to name of any person unless authorised to do so.

(*a*) he actually holds such degree, diploma, licence or certificate ; and

(*b*) such degree, diploma, licence or certificate is specified in the Schedule or is recognized by law for the time being in force in India or in any part thereof or has been conferred, granted or issued by an authority empowered or recognized as competent by the State Government to confer, grant, or issue such degree, diploma, licence or certificate.

26. Whoever contravenes the provisions of section 24 or 25 shall be punished, in the case of a first conviction with fine which may extend to two hundred and fifty rupees and in the case of subsequent conviction with fine which may extend to five hundred rupees. Penalty for contravening provisions of section 24 or 25.

27. Whoever falsely pretends to be registered under this Act or not being registered under this Act uses in connection with his name or title any words or letters representing that he is so registered shall, whether any person is actually deceived by such pretence or representation or not, be punished, on conviction, with fine which may extend to three hundred rupees. Penalty for falsely claiming to be registered.

28. No court other than the court of a Presidency Magistrate or of a Magistrate of the First Class shall take cognizance of or try an offence under this Act. Court competent to try offences under this Act.

PART VI.

Control.

29. If it shall appear to the State Government on the report of the Council or otherwise, that the course of study and examinations prescribed by any of the colleges or bodies conferring the qualifications described in the Schedule are not such as to secure the possession by persons obtaining such qualifications of the requisite knowledge and skill for the efficient practice of their profession or if it shall appear to the State Government, on the report of the Council or otherwise, that the course of study and examinations prescribed by any college or body conferring a qualification not entered in the Schedule are such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, it shall be lawful for the State Government from time to time by notification in the *Official Gazette* to direct that the possession of any qualification entered in the Schedule shall not entitle any person to registration under this Act, or to direct that the possession of any qualification not entered in the Schedule shall, subject to the provisions of this Act, entitle a person to be so registered, as the case may be, and the Schedule shall thereupon be deemed for all purposes to be altered accordingly. Alteration in list of qualifications mentioned in Schedule.

30. (*1*) The State Government may give to the Council such directions as may be necessary for carrying out the purposes of this Act and it shall be the duty of the Council to comply with such directions. If the Council fails to comply with the directions so given the State Government may direct the carrying out of such directions and the expenditure incurred in carrying them out shall be paid out of the moneys credited to the Council. Power of State Government to give directions and to appoint authorities in place of those not validly appointed or constituted.

(*2*) If at any time it shall appear to the State Government that the Council or any other authority has not been validly constituted or appointed under this Act, the State Government may direct that the powers to be exercised or duties or functions to be performed by the Council or such authority shall, notwithstanding anything contained in this Act, be exercised or performed by such officer or authority, in such manner and for such period as it deems fit.

PART VII.

Miscellaneous.

Indemnity to persons acting under this Act.

31. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act, rules or regulations.

Rules and Regulations.

32. (*1*) The State Government may, after previous publication, by notification in the *Official Gazette* make rules to carry out the purposes of this Act.

(*2*) The Council may, with the previous sanction of the State Government, make regulations not inconsistent with this Act or the rules made under sub-section (*1*) for all or any of the following matters, namely :—

(*a*) the time at which and the place and manner in which election of the members of the Council shall be held under section 5 ;

(*b*) the time and place at which the Council shall hold its meeting and the manner in which such meeting shall be summoned under section 7 ;

(*c*) the period within which and the manner in which appeals against the decisions of the Registrar shall be filed and heard and decided by the Council under section 15 and the fee payable with such appeals ;

(*d*) the manner in which and the conditions subject to which the name of a veterinary practitioner shall be re-entered in the register on payment of renewal fee under section 117.

(*3*) All regulations shall be published in the *Official Gazette*.

(*4*) The State Government may by notification in the *Official Gazette* cancel any regulation.

THE SCHEDULE.

(*See sections 14, 22 and 29.*)

1. Bachelor of Science (Veterinary) (Bombay).
2. Bachelor of Veterinary Science (Madras).
3. Bachelor of Vaterinary Science (Punjab).
4. Bachelor of Science (Veterinary) (Uttar Pradesh).
5. Bachelor of Science (Veterinary) (Madhya Pradesh).
6. Graduates of Bombay Veterinary College.
7. Graduates of Madras Veterinary College.
8. Graduates of Bengal Veterinary College.
9. Graduates of Punjab Veterinary College.
10. Graduates of Bihar Veterinary College.
11. Members of the Royal College of Veterinary Surgeons, London.
12. Doctors of Veterinary Medicine or Bachelors of Veterinary Science of Universities in countries of the Commonwealth other than the United Kingdom.
13. Doctors of Veterinary Medicine of Universities in the United States of America.

THE BOMBAY SERVICE INAMS (USEFUL TO COMMUNITY) ABOLITION ACT, 1953.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Abolition of service inams and rights in respect of such inams.
4. Liability of service inam villages and lands to land revenue and persons liable to pay the same.
5. Resumption of service inam land and its regrant to holder.
6. Compensation in lieu of cash allowance on land revenue.
7. Method of compensation for abolition, etc., of other rights in land.
8. Court-fees.
9. Finality of award of Collector and decision of Revenue Tribunal.
10. Inquiries and proceedings to be judicial proceedings.
11. Amount of compensation to be payable in transferable bonds.
12. Provisions of Bom. LXVII of 1948 to govern relations of holder and tenants.
13. Rules.
14. Discontinuance of application of certain enactments.

THE SCHEDULE.

BOMBAY ACT No. LXX OF 1953.[1]

[THE BOMBAY SERVICE INAMS (USEFUL TO COMMUNITY) ABOLITION ACT, 1953.]

[*22nd December 1953*]

An Act to abolish service inams useful to the community in certain parts of the State of Bombay.

WHEREAS it is necessary and expedient in the public interest to abolish service inams useful to the community in certain parts of the State of Bombay and to provide for other incidental and consequential matters hereinafter appearing; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Service Inams (Useful to Community) Abolition Act, 1953.

(*2*) It extends to the territories formerly comprising of Khandesh, Deccan and Southern Maratha Country and subsequently forming part of the districts of East Khandesh, West Khandesh, Ahmednagar, Nasik, Poona, Satara, Sholapur, Bijapur, Belgaum, Kanara and Dharwar as they existed before the States' Merger (Governor's Provinces) Order, 1949.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "appointed day" means the day on which this Act comes into force;

Bom. V of 1879.

(*b*) "Code" means the Bombay Land Revenue Code, 1879;

(*c*) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;

(*d*) "holder" means (except in the expression "inferior holder") a holder of a service inam and includes any person lawfully holding under or through him;

(*e*) "service inam village" or "service inam land" means a village or a portion of a village or land, as the case may be, held in inam by a person for service useful to the community;

(*f*) "service inam" means—

(*i*) a grant of a village, portion of a village, land or total or partial exemption from land revenue held for service useful to the community and entered in the alienation register kept under section 53 of the Code as "Class VI—village servants useful to village communities";

(*ii*) a grant of money or land revenue including anything payable as a cash allowance on the part of the State Government for service useful to the community;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) "Schedule" means a Schedule appended to this Act;

(*i*) the words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

[1]For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, pages 458-459.

(2) If any question arises whether any grant is a service inam, the State Government shall, having regard to the relevant entries in the alienation records and after holding such inquiry as may be deemed fit, decide the question and such decision shall be final :

Provided that the State Government may authorise any officer to decide such question and subject to an appeal to the State Government his decision shall be final.

Abolition of service inams and rights in respect of such inams.

3. With effect from and on the appointed day, notwithstanding anything contained in any law, usage, settlement, grant, sanad or order—

(1) all service inams shall be deemed to have been abolished and all incidents appertaining thereto shall be deemed to have been extinguished;

(2) all rights to hold office and any liability to render service appertaining to the said inams are hereby extinguished.

Liability of service inam villages and lands to land revenue and persons liable to pay the same.

4. (1) All service inam villages and service inam lands which have been adjudicated under rule 8 of Schedule B to the Bombay Rent-free Estates Act, 1852 are and shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder and the provisions of the Code and the rules relating to unalienated lands shall apply to such villages and lands. XI of 1852.

(2) In the case of service inam land to which sub-section (1) applies,

(a) where such land is in possession of the holder or in possession of a person (other than an inferior holder) holding from him, the holder and

(b) where such land is in possession of an inferior holder holding the same on payment of annual assessment only, such inferior holder,

shall primarily be liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all rights and shall be liable to all obligations in respect of such land as an occupant under the Code or the rules made thereunder or any other law for the time being in force.

Resumption of service inam land and its regrant to holder.

5. (1) All service inam lands which have not been adjudicated under rule 8 of Schedule B to the Bombay Rent-free Estates Act, 1852, are hereby resumed and shall be liable to the payment of land revenue under the provisions of the Code and the rules made thereunder and the provisions of the Code and the rules relating to the unalienated lands shall apply to such lands. XI of 1852.

(2) A service inam land resumed under the provisions of this Act shall be regranted to the holder on payment of the occupancy price equal to six times the amount of the full assessment of such land within two years from the appointed day and the holder shall be deemed to be an occupant within the meaning of the Code in respect of such land and shall primarily be liable to pay land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder :

Provided that if the holder fails to pay the occupancy price within the period of two years as provided in this section, he shall be deemed to be unauthorisedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(*3*) The occupancy of the land regranted under sub-section (*2*) shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

6. Notwithstanding anything contained in any law, usage, settlement, grant, sanad or order,— Compensation in lieu of cash allowance or land revenue.

(*1*) a sum equal to seven times the amount of the cash allowance due to a holder on the appointed day shall be paid to such holder;

(*2*) in the case of any land or village, in respect of which the service inam consists of the whole or a part of the land revenue of such land or village, a sum equal to ten times the amount of such land revenue shall be paid to the holder.

7. (*1*) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property and if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act, such person may apply to the Collector for compensation. Method of compensation for abolition, etc., of other rights in land.

(*2*) An application under sub-section (*1*) shall be made to the Collector in a prescribed form within six months from the appointed day. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894. I of 1894.

(*3*) Nothing in this section shall entitle any person to compensation on the ground that any service inam land which was wholly or partially exempt from the payment of land revenue has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

(*4*) Any person aggrieved by the award of the Collector made under sub-section (*2*) may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, within 60 days from the date of the award. Bom. XII of 1939.

(*5*) In deciding appeals under sub-section (*4*), the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which the Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908. V of 1908.

(*6*) In computing the period for filing appeals the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the appeals made under this section. IX of 1908.

8. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. VII of 1870. Court-fees.

9. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court. Finality of award of Collector and decision of Revenue Tribunal

Inquiries and proceedings to be judicial proceedings.

10. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. XLV of 1860.

Amount of compensation to be payable in transferable bonds.

11. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

Provisions of Bom. LXVII of 1948 to govern relations of holder and tenants.

12. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any service inam village or service inam land or the mutual rights and obligations of a holder and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. Bom. LXVII of 1948.

Rules.

13. The State Government may, subject to the condition of previous publication, make rules for the purpose of carrying out the provisions of this Act. Such rules shall when finally made be published in the *Official Gazette.*

Discontinuance of application of certain enactments.

14. (*1*) With effect from and on the appointed day the provisions of the enactments specified in the Schedule shall to the extent specified in column 4 thereof cease to apply to all service inams.

(*2*) Nothing in sub-section (*1*) shall be deemed to affect,—

(*a*) any obligation or liability already incurred before the appointed day;

(*b*) any proceeding in respect of such obligation or liability; or

(*c*) anything done in the course of such proceeding in any Court on or before the aforesaid date;

and any such proceeding may be continued and disposed of as if this Act had not been passed.

THE SCHEDULE.

Year.	No.	Short title.	Extent of cessation of application.
1	2	3	4
1852	XI	The Bombay Rent-free Estates Act, 1852 ..	The whole Act shall cease to apply.
1863	II	The Exemptions from Land Revenue (No. 1) Act, 1863.	Do. do.
1871	XXIII	The Pensions Act, 1871 ..	Do. do.
1926	XI	The Invalidation of Hindu Ceremonial Emoluments Act, 1926.	Sections 5 and 6.

THE BOMBAY MERGED TERRITORIES (JANJIRA AND BHOR) KHOTI TENURE ABOLITION ACT, 1953.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Abolition of khoti tenure.
4. Who shall be occupants in merged territories of Janjira.
5. Who shall be occupants in merged territories of Bhor.
6. Certain tenants to be occupants.
7. Liability to pay khot's dues and rights of khot extinguished.
8. Commutation of khot's dues.
9. Occupancy price or commuted value recoverable as arrear of land revenue.
10. Khot to hand over accounts, etc., to authorised officer.
11. Uncultivated and waste lands and all property of nature specified in section 37 of Code vest in State Government.
12. Extinction of khot's right of reversion.
13. Right to trees.
14. Method of compensation for extinguishment or modification of any rights and iterests in land.
15. Limitation.
16. Court-fees.
17. Inquiries and proceedings to be judicial proceedings.
18. Amount of compensation to be payable in transferable bonds.
19. Provisions of Bom. LXVII of 1948 to govern relations of khot and tenants.
20. Act not to apply to kauli lands.
21. Rules.
22. Repeal.

SCHEDULE.

BOMBAY ACT No. LXXI OF 1953.[1]

THE MERGED TERRITORIES (JANJIRA AND BHOR) KHOTI TENURE ABOLITION ACT, 1953.

[*28th December 1953*]

An Act to abolish khoti tenure prevailing in the merged territories of the former States of Janjira and Bhor.

WHEREAS it is expedient to abolish the khoti tenure prevailing in the merged territories of the former States of Janjira and Bhor and to provide for certain consequential and incidental matters hereinafter appearing ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Merged Territories (Janjira and Bhor) Khoti Tenure Abolition Act, 1953.

(*2*) It extends to the merged territories of the former State of Janjira (hereinafter referred to as the merged territories of Janjira) and to the merged territories of the former State of Bhor (hereinafter referred to as the merged territories of Bhor) included in the district of Kolaba.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context—

Bom. V of 1879.

(*i*) " Code " means the Bombay Land Revenue Code, 1879 ;

(*ii*) " Collector " includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

(*iii*) " dhara land " means land held by a dharekari in a khoti village ;

(*iv*) " dharekari " means a person who holds dhara land on dhara tenure ;

(*v*) " khot " means the holder of a khoti village on khoti tenure and includes—
(*a*) a mortgagee lawfully in possession of a khotki and
(*b*) all co-sharers in a khotki ;

(*vi*) " khotki " means the aggregate of the rights and interests vested in a khot as such ;

(*vii*) " khoti fayda " means the amounts of grain or money payable as khoti fayda to a khot in the merged territories of Bhor by an occupancy tenant of a khoti nisbat land ;

(*viii*) " khoti khasgi land " means in relation to the merged territories of Bhor, land entered in the khot's own name as khoti khasgi in the records of the original survey and settlement ;

(*ix*) " khoti land " means in relation to the merged territories of Janjira, land entered in the village records as khoti and held as such by a khot ;

(*x*) " khoti nisbat land " means in relation to the merged territories of Bhor, land entered as khoti nisbat in the records of the original survey and settlement ;

[1] For Statement of Objets and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 445.

(*xi*) "khoti tenure" means—

(*a*) in relation to the merged territories of Janjira, the tenure known as—

(1) Farokta Isafati Khoti,
(2) Watani Isafati Khoti,
(3) Vasuli Isafati Khoti, or
(4) Tota Isafati Khoti,

on which a khoti village is held by a khot by virtue of a sanad granted by the ruling authority of that State at any time before the merger and subject to the terms of such sanad in accordance with the provisions of the Khoti Settlement Act, 1880, as applied to the State of Janjira; and Bom. I of 1880.

(*b*) in relation to the merged territories of Bhor, Watani Khoti tenure on which a khoti village is held in accordance with the provisions of the Khoti Settlement Act, 1880, as applied to the State of Bhor; Bom. I of 1880.

(*xii*) "khoti village" means a village specified in the Schedule;

(*xiii*) "khot's dues" means—

(*a*) khot's profit out of the rent paid to a khot by an occupancy tenant of khoti land in the merged territories of Janjira in accordance with the term of the sanad granted to the khot, and

(*b*) the khoti fayda paid to a khot by an occupancy tenant of khoti nisbat land in the merged territories of Bhor,

exclusive of the land revenue payable by the khot to the Government for the time being and the cess, if any, leviable under the Bombay Local Boards Act, 1923, in respect of such land; Bom. VI of 1923.

(*xiv*) "merger" means in relation to a former Indian State the cession by the Ruler of such State of full and exclusive jurisdiction and powers for, and in relation to, the governance of such State and the transfer of administration of such State to the State of Bombay under section 290-A of the Government of India Act, 1935; 26 Geo. 5 Cl. 2.

(*xv*) "occupancy tenant" means—

(*a*) in relation to the merged territories of Janjira, a holder of a khoti land who has permanent tenancy right in such land and who has been shown as *Juney Kul* (old tenant) in the Record of Rights;

(*b*) in relation to the merged territories of Bhor, a holder of khoti nisbat land and who has been shown as *Juney Kul* (old tenant) in the village record;

(*xvi*) "prescribed" means prescribed by rules made under this Act;

(*xvii*) "Sarkari land" means in relation to the merged territories of Janjira—

(*a*) land shown in the Record of Rights as Government land and entered in the name of the khot as Vahiwatdar; and

(*b*) land originally held as khoti nisbat land but subsequently resumed and granted to a co-sharer of a khot for vahiwat by the former Government of Janjira; and

(*c*) land known as Samlatpad or Sabandhapad which has been assessed waste and in respect of which the khot pays assessment to Government;

(*xviii*) "Schedule" means the Schedule appended to this Act.

(2) Any word or expression which is defined in the Code and not defined in this Act shall be deemed to have the meaning given to it by the Code.

Bom. I of 1880.

(3) References in this Act to the provisions of the Khoti Settlement Act, 1880, as applied to the State of Janjira and as applied to the State of Bhor and to the grants of khoti villages and the incidents of the khoti tenure shall, notwithstanding the repeal of the said Act, the cancellation of the said grants and the abolition of the said tenure by this Act, be construed as references to the said provisions, grants and incidents as they were in force immediately before this Act comes into force.

(4) If any question arises about the tenure on which a khoti village is held, the nature of any land in a khoti village or whether a tenant is an occupancy tenant, the State Government shall, having regard to the relevant entries in the revenue records and after holding such enquiry as may be deemed fit, decide the question and such decision shall be final:

Provided that the State Government may authorise any officer to decide any such question and subject to an appeal to the State Government his decision shall be final.

Abolition of khoti tenure.

3. With effect from and on the date on which this Act comes into force,—

(1) the khoti tenure shall, wherever it prevails in the merged territories of Janjira and Bhor included in the district of Kolaba, be deemed to have been abolished; and

(2) save as expressly provided by this Act all sanads granted in respect of a khoti village in the merged territories of Janjira shall be deemed to have been cancelled, and all the incidents of the said tenure shall be deemed to have been extinguished, notwithstanding any law, custom or usage or anything contained in any sanad, grant, kabulayat, lease, decree or order of any court or any other instrument.

Who shall be occupants in merged territories of Janjira.

4. In the merged territories of Janjira—

(1) in the case of khoti land in a khoti village held on Farokta Isafati or Watani Isafati Khoti tenure—

(i) where such land is in the possession of the khot, the khot, and

(ii) where such land is in the possession of an occupancy tenant, such occupancy tenant,

(2) in the case of khoti land in a khoti village held on Vasuli Isafati or Tota Isafati Khoti tenure—

(i) where such land has been acquired by the khot on payment of occupancy price in accordance with the law for the time being in force before the merger, such khot,

(ii) where such land is not so acquired,—

(a) the tenant in possession of such land, and

(b) if there be no tenant in possession of such land, the khot,

(*3*) in the case of Sarkari land—

(*i*) the tenant in possession of such land, and

(*ii*) if there be no tenant in possession of such land, the khot or the co-sharer, as the case may be, and

(*4*) in the case of a dhara land, the dharekari,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force :

Provided that—

(*i*) in the case of khoti land in a khoti village held on Vasuli Isafati or Tota Isafati Khoti Tenure, where such land has not been acquired by the khot on payment of occupancy price in accordance with the law for the time being in force before the merger, and

(*ii*) in the case of Sarkari land,

the khot, co-sharer or tenant, as the case may be, who may be liable to the State Government for the payment of land revenue under this section in respect of such land, shall be entitled to the rights of an occupant in respect of such land on payment to the State Government in the prescribed manner and within the prescribed period occupancy price equivalent to six multiples of the survey assessment fixed on the land.

Who shall be occupants in merged territories of Bhor.

5. In the merged territories of Bhor—

(*1*) in the case of a khoti khasgi land, the khot, and

(*2*) in the case of khoti nisbat land—

(*i*) where such land is in the possession of an occupancy tenant, such occupancy tenant, and

(*ii*) if there be no occupancy tenant in possession of such land, the khot, and

(*3*) in the case of a dhara land, the dharekari,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force.

Certain tenants to be occupants.

6. Notwithstanding anything contained in sections 4 and 5, where a khoti land or khoti khasgi land is in the possession of a person (other than an occupancy tenant) holding under a khot on payment to the khot of rent equal to the amount of assessment fixed for such land, such person shall be entitled to the rights of an occupant in respect of such land on payment to the khot in the prescribed manner occupancy price equivalent to three multiples of the assessment fixed for such land :

Provided that the right conferred by this section shall not be exercisable after a period of two years from the date on which this Act comes into force.

Liability to pay khot's dues and rights of khot extinguished.

7. (*1*) With effect from the date on which this Act comes into force, the land in respect of which any person is entitled to the rights of an occupant under section 4 or 5, as the case may be, shall be free from the liability for the payment of khot's dues in respect thereof and all rights of a khot in his capacity as a khot in such land shall be deemed to have been extinguished.

(*2*) Nothing in sub-section (*1*) shall in any way affect the liability of any person to pay in respect of the land in his possession the amount of the khot's dues for the current year ending on the 31st day of July 1954 and the amount of the arrears of such dues for any previous year in respect of such land.

Commutation of khot's dues.

8. (*1*) An occupancy tenant shall be liable to pay in the prescribed manner and within the prescribed period the commuted value of the khot's dues which were payable by him immediately before the coming into force of this Act in respect of the land held by him. Such commuted value shall be estimated and paid in the manner specified in sub-sections (*2*) and (*3*).

(*2*) The Mamlatdar shall give notice in the prescribed manner to the persons referred to in sub-section (*1*) and the khot, and after holding a formal inquiry shall determine the amount of the commuted value of the khot's dues :

Provided that the amount of commuted value shall not exceed five times the amount of the khot's dues, if payable in cash or five times the value of such dues, if payable in kind, subject to the maximum of a sum equal to ten times the survey assessment of the land, or if the khot's dues are payable in crop-share, five times the commuted value of such dues reckoned in the manner provided for in sub-section (*3*).

(*3*) In estimating the commuted value of the khot's dues payable in crop-share, a third crop-share shall be held as equivalent to two multiples of survey assessment fixed on the land and any other crop-share as a proportional multiple of such assessment :

Provided that the commuted value of the produce payable on any warkas land actually used for the purpose of rab manure in connection with rice cultivation shall be held as equivalent to one survey assessment of such land.

Explanation.—The commuted value shall be deemed to include compensation for the extinguishment of any rights of a khot in relation to occupancy tenants under section 9 of the Khoti Settlement Act, 1880, as applied to the merged territories of Janjira and Bhor or any other provisions thereof.

Bom. I of 1880.

Occupancy price or commuted value recoverable as arrear of land revenue.

9. (*a*) The amount of the occupancy price payable under section 4, if not paid to the State Government ; and

(*b*) the amount of the commuted value payable under section 8, if not paid to the khot,

shall be recoverable as an arrear of land revenue. The amount recovered shall be credited to Government or paid to the khot, as the case may be.

Khot to hand over accounts, etc., to authorised officers.

10. (*1*) Whenever an officer authorised by the State Government in this behalf so directs, a khot shall deliver to him or such other officer as may be specified in the direction, accounts and other records relating to the khoti village kept by him under the law for the time being applicable to the village.

(*2*) If a khot fails without reasonable cause to deliver any such accounts or records he shall, on conviction, be punished with fine which may extend to Rs. 200. In the case of a continuing failure to deliver any such accounts or records, the khot shall be punished with an additional fine which may extend to Rs. 25 for every day during which such failure continues after conviction for the first such failure.

Uncultivated and waste lands and all property of nature specified in section 37 of Code vest in State Government.

11. For the removal of doubt, it is hereby declared that all uncultivated waste lands in a khoti village not appropriated by any khot and not entered into the revenue or survey records as khoti or khoti khasgi, before the date on which this Act comes into force, and all other kinds of property referred to in section 37 of the Code, situate in a khoti village, which are not the property of the individuals or of any aggregate of persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be otherwise provided in any law for the time being in force, are together with all rights in or over the same or appertaining thereto, the property of the State Government and it shall be lawful to dispose of or set apart the same by the authority in the manner and for the purpose provided in section 37 or 38 of the Code, as the case may be.

Extinction of khot's right of reversion.

12. From the date on which this Act comes into force a khot shall not be entitled to acquire any right in any khoti land or khoti nisbat land by right of reversion.

Explanation.—For the purposes of this section, the right of reversion shall mean a right by which a khot was entitled to acquire lands held by an occupancy tenant under section 10 of the Khoti Settlement Act, 1880, as applied to the merged territories of Janjira and Bhor before merger. Bom. I of 1880.

Right to trees.

13. The rights to trees specially reserved under the Indian Forest Act, 1927, or any other law for the time being in force, except those the ownership of which has been transferred by the State Government under any contract, grant or law for the time being in force shall vest in the State Government and nothing in this Act shall in any way affect the right of the State Government to apply the provisions of the Indian Forest Act, 1927, as in force in the State to forests in a khoti village. XVI of 1927.

Method of compensation for extinguishment or modification of any rights and interests in land.

14. (*1*) If a khot or any other person is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights to, or interests in, land and if such person proves that such extinguishment or modification amounts to transference to public ownership of any land or any right or interest in or over such land, such person may apply to the Collector for compensation. XVI of 1927.

(*2*) Such application shall be made in the form prescribed by rules made under this Act within six months from the date on which this Act comes into force.

(*3*) The Collector shall after holding a formal inquiry in the manner provided by the Code award such compensation as he deems reasonable and adequate :

Provided that—

(*a*) the amount of compensation for the extinguishment of the right of reversion in lands in a khoti village shall not exceed the amount calculated at the rate of Rs. 2 per 100 acres of such lands,

(*b*) the amount of compensation for the extinguishment of any right to appropriate any uncultivated and waste lands not appropriated by any khot and not entered in the revenue or survey records as khoti or khoti khasgi immediately before the 1st day of August 1953, shall not exceed the amount calculated at the rate of Rs. 5 per 100 acres of such land :

Provided further that in the case of the extinguishment or modification of any other right of a khot or any right of any other person, the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894. I of 1894.

(*4*) Any person aggrieved by the award of the Collector may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939.

Bom. XII of 1939.

(*5*) In deciding appeals under sub-section (*4*), the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which a Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908.

V of 1908.

(*6*) The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

15. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal. Limitation.

IX of 1908.

16. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. Court-fees.

VII of 1870.

17. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. Inquiries and proceedings to be judicial proceedings.

XLV of 1860.

18. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed. Amount of compensation to be payable in transferable bonds.

19. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any lands in a khoti village or the mutual rights and obligations of a khot and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. Provisions of Bom. LXVII of 1948 to govern relations of khot and tenants.

Bom. LXVII of 1948.

20. Nothing in this Act shall apply to kauli lands which were held on kauli tenure in a khoti village but to which the Bombay Kauli and Katuban Tenures (Abolition) Act, 1953, applies. Act not to apply to kauli lands.

Bom. XLIV of 1953.

21. The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules shall, when finally made, be published in the *Official Gazette*. Rules.

22. The Khoti Settlement Act, 1880, as applied to the merged territories of Janjira and the said Act as applied to the merged territories of Bhor are hereby repealed. Repeal.

Bom. I of 1880.

SCHEDULE

(*See* section 2.)

(A) Khoti villages of the merged territories of Janjira :—

1. Borli.
2. Surai (Murud mahal).
3. Abitghar.
4. Kakalghar.
5. Chinchghar.
6. Bamnad.
7. Mahalung Budruk.
8. Salav.
9. Ambali.
10. Satirde.
11. Yesade.
12. Savroli.
13. Usadi.
14. Josranjan.
15. Belsai.
16. Undergaon.
17. Kharwaranwata.
18. Wawdungi.
19. Wande.
20. Maner.
21. Tembhode.
22. Kolmandle.
23. More.
24. Pale.
25. Araoghar.
26. Sarane.
27. Mhasla.
28. Sawar.
29. Tamhane Karambe.
30. Sakalap.
31. Khargaon Kd.
32. Bhabat.
33. Chali.
34. Kalsuri.
35. Khanloshi.
36. Adi Bhatachi.
37. Reoli.
38. Jambhul.
39. Tondsure.
40. Agarwada.
41. Pangloli.
42. Kudgaon (Mhasala mahal).
43. Pasti.
44. Varanat.
45. Neorul.
46. Kolwat.
47. Sangwad.
48. Rativne.
49. Kelte.
50. Khamgaon.
51. Kanghar.
52. Lep.
53. Vangani.
54. Vaghav.
55. Kudtudi.
56. Manjaravne.
57. Ghonse.
58. Shilim.
59. Wadghar (Mhasala mahal).
60. Dagadghoom.
61. Chichonde.
62. Kandalwada.
63. Khargaon Bdk.
64. Chirgaon.
65. Lahiwat.
66. Dhorje.
67. Surai (Mhasala mahal).
68. Dehen.
69. Talawade.
70. Toradi.
71. Adi Mahad Khadi.
72. Panave.
73. Kole.
74. Konzari.
75. Kokbal.
76. Thakroli.
77. Mandathane.
78. Tamhane Shrike.
79. Ambet.
80. Phalsap.
81. Khujare.
82. Wakalghar.
83. Asuf.
84. Bharadkhol.
85. Dandguri.
86. Vanjale.
87. Wave-Panchatan.
88. Deokhol.
89. Nagloli.
90. Hunarveli.
91. Shiravane.
92. Chikhlap.

93. Punir.
94. Maghare.
95. Bhardoli.
96. Bapoli.
97. Mamoli.
98. Guladhe.
99. Kondiwali.
100. Shekhadi.
101. Jasavali.
102. Wadghar (Shrivardhan mahal).
103. Sakhari.
104. Javele.
105. Sakharravane.
106. Kondhe.
107. Harwit.
108. Karje.
109. Kudki.
110. Mhasap.
111. Bhave.
112. Borli-Panchatan.
113. Nagaon.
114. Kondhe-Panchatan.
115. Savarde.
116. Karlas.
117. Kalinje.
118. Deoghar.
119. Maral.
120. Kurwade.
121. Saigaon.
122. Kherdi.
123. Arathi.
124. Karivne.
125. Nivale.
126. Dharavli.
127. Vave Tarf Shriwardhan.
128. Wadshet.

(B) Khoti villages in the merged terrtoreis of Bhor :—

1. Pali.
2. Ambole.
3. Khandpoli.
4. Amnori.
5. Wave.
6. Chive.
7. Padsare.
8. Ghotwade.
9. Kalamb.
10. Mulshi.
11. Mahagaon.
12. Aptawane.
13. Dahigaon.
14. Nadsur.
15. Nanose.
16. Nandgaon.
17. Gugulwada.
18. Potlaj Khd.
19. Harneri.
20. Bharje.
21. Wavloli.
22. Shidheshwar Khd.
23. Kalamboshi.
24. Chandargaon.
25. Padghavli.
26. Zap.
27. Kavele.
28. Tiware.
29. Kanhiwli.
30. Potlaj Bkd.
31. Waghoshi.

THE BOMBAY (OKHAMANDAL SALAMI TENURE ABOLITION) ACT, 1953

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Abolition of Salami tenure and liability of holder to pay land revenue.
4. Repeal.

BOMBAY ACT No. I OF 1954.[1]

[THE BOMBAY (OKHAMANDAL SALAMI TENURE ABOLITION) ACT, 1953.]

[*4th January 1954*]

An Act to abolish the Salami Tenure prevailing in Okhamandal Taluka of the Amreli District in the State of Bombay.

WHEREAS it is expedient to abolish the salami tenure prevailing in Okhamandal taluka of the Amreli district in the State of Bombay and to provide for other consequential and incidental matters hereinafter appearing; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay (Okhamandal Salami Tenure Abolition) Act, 1953.

(*2*) It extends to the Okhamandal taluka of the Amreli district in the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

Bom. V of 1879

(*a*) "Code" means the Bombay Land Revenue Code, 1879;

(*b*) "holder" means a person holding salami land;

(*c*) "salami land" means land held on salami tenure;

(*d*) "Salami Land Rules" means the Rules for the regulation of salami land tenure in Okhamandal as in force in the merged territories of the former State of Baroda immediately before the 30th July 1949;

(*e*) "salami tenure" means the tenure on which land is held under the Salami Land Rules.

(*2*) Any word or expression which is defined in the Code but not defined in this Act shall be deemed to have the meaning given to it in the Code.

(*3*) References in this Act to the Salami Land Rules and to the incidents of salami tenure shall, notwithstanding the repeal of the said Rules and the abolition of the said tenure by this Act, be construed as references to the said Rules and incidents as they were in force immediately before this Act comes into force.

Abolition of salami tenure and liability of holder to pay land revenue.

3. With effect on and from the date on which this Act comes into force,—

(*1*) the salami tenure, wherever it prevails in the Okhamandal taluka of the Amreli district, shall be deemed to have been abolished and all incidents of the said tenure shall be deemed to have been extinguished;

(*2*) all sanads or grants under which a salami land was held immediately before the coming into force of this Act shall be deemed to have been cancelled;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, pages 354-355

(*3*) all salami lands are and shall be liable to the payment of land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder ; and

(*4*) the holder shall be primarily liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or the rules made thereunder or any other law for the time being in force.

Repeal.

4. The Salami Land Rules are hereby repealed :

Provided that the repeal of the said Rules shall not be deemed to affect any obligation or liability already incurred or accrued before the date of the commencement of this Act.

THE BOMBAY REGISTRATION OF MARRIAGES ACT, 1953.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Appointment of Registrars of Marriages.
4. Every marriage in State to be registered.
5. Memorandum of marriage.
6. Register to be open for public inspection.
7. Non-registration not to invalidate marriage.
8. Penalty for neglecting to comply with provisions of section 5 or for making false statements in memorandum.
9. Penalty for failing to file memorandum.
10. Penalty for secreting, destroying or altering register.
11. Registrar to be public servant.
12. Indemnity to persons acting under this Act.
13. Power to make rules.

THE SCHEDULE.

[Price—Annas 3 or 10d.]

BOMBAY ACT No. V OF 1954.[1]

[THE BOMBAY REGISTRATION OF MARRIAGES ACT, 1953]

[*20th January 1954*]

An Act to provide for registration of marriages in the State of Bombay.

WHEREAS it is expedient to provide for registration of marriages in the State of Bombay, and for certain other purposes hereinafter appearing; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Registration of Marriages Act, 1953.

(*2*) It extends to the whole of the State of Bombay.

(*3*) This section shall come into force at once. The remaining provisions of the Act shall come into force in such area on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "to contract a marriage" means to solemnize or enter into a marriage in any form or manner;

(*2*) "marriage" includes re-marriage;

(*3*) "memorandum" means a memorandum of marriage mentioned in section 5;

(*4*) "priest" means any person who solemnizes a marriage;

(*5*) "register" means a register of marriages maintained under this Act;

(*6*) "Registrar" means a Registrar of Marriages appointed under this Act;

(*7*) "Registrar-General" means the Registrar-General of Births, Deaths and Marriages appointed by the State Government for the State of Bombay under the Births, Deaths and Marriages Registration Act, 1886; (VI of 1886.)

(*8*) "Schedule" means the Schedule to this Act.

Appointment of Registrars of Marriages.

3. The State Government may appoint, either by name or by virtue of their office, so many persons as it thinks necessary to be Registrars of Marriages for such local areas as it may specify.

Every marriage in State to be registered.

4. After the date on which the provisions of this Act have been brought into force in any area under sub-section (*3*) of section 1, every marriage contracted in such area shall be registered in the manner provided in section 5.

Memorandum of marriage.

5. (*1*) The parties to a marriage to which section 4 applies, or their fathers or guardians when they shall not have completed the age of 18 years, shall prepare and sign a memorandum in the form in the Schedule and shall deliver or send by registered post the said memorandum in duplicate to the Registrar of the area, within a period of 30 days from the date of the marriage :

[1]For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 466.

Provided that where the marriage is contracted without the consent of the father or guardian of a party, such party and not the father or guardian shall comply with the provisions of this sub-section.

(*2*) The memorandum shall also be signed by the officiating priest, if any.

(*3*) The memorandum shall be accompanied by a fee of rupee one.

(*4*) The Registrar shall maintain a register of such marriages. On receipt of the memorandum, the Registrar shall file the same in the register and shall send the duplicate copy thereof to the Registrar-General.

Register to be open for public inspection.

6. The register maintained under this Act shall, at all reasonable times, be open to inspection and certified extracts therefrom shall on application be given by the Registrar on payment by the applicant of a fee of rupees two for each such extract.

Non registration not to invalidate marriage.

7. No marriage contracted in this State and to which this Act applies shall be deemed to be invalid solely by reason of the fact that it was not registered under this Act or that the memorandum was not delivered or sent to the Registrar or that such memorandum was defective, irregular or incorrect.

Penalty for neglecting to comply with provisions of section 5 or for making false statements in memorandum.

8. Any person who—

(*1*) wilfully omits or neglects to deliver or send the memorandum as required by section 5, or

(*2*) makes any statement in such memorandum which is false in any material particular, and which he knows or has reason to believe to be false,

shall, on conviction, be punished with fine which may extend to two hundred rupees.

Penalty for failing to file memorandum.

9. Any Registrar who fails to file the memorandum pursuant to section 5 shall, on conviction, be punished with rigorous imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

Penalty for secreting, destroying or altering register.

10. Any person secreting, destroying, or dishonestly or fraudulently altering the register or any part thereof shall, on conviction, be punished with imprisonment for a term which may extend to two years, and shall also be liable to fine.

Registrar to be public servant.

11. Every Registrar shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Indemnity to persons acting under this Act.

12. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

Power to make rules.

13. (*1*) The State Government may, by notification in the *Official Gazette* and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(*a*) the duties and powers of the Registrar ;

(*b*) the forms and manner in which registers or records required to be kept by or under this Act shall be maintained;

(*c*) the custody in which the registers and records are to be kept and the preservation of such registers and records.

III of 1872. XV of 1872. III of 1936.

14. This Act shall not apply to marriages contracted under the Special Marriage Act, 1872, the Indian Christian Marriage Act, 1872, or the Parsi Marriage and Divorce Act, 1936. Savings.

THE SCHEDULE.

FORM.

(*See* section 5.)

Memorandum of Marriage.

1. Date of Marriage.
2. Place of marriage (with sufficient particulars to locate the place).
3. (*a*) Full name of the bridegroom.
   (*b*) His age.
   (*c*) Usual place of residence.
   (*d*) Address.
   (*e*) Status of the bridegroom at the time of marriage whether unmarried / widower / divorced / married, and if so, how many wives are alive.
   (*f*) Signature of the bridgroom, with date.
4. (*a*) Full name of the bride.
   (*b*) Her age.
   (*c*) Usual place of residence.
   (*d*) Address.
   (*e*) Status of the bride at the time of marriage whether unmarried / widow / divorced.
   (*f*) Signature of the bride, with date.
5. (*a*) Full name of the father or guardian of the bridegroom.
   (*b*) His age.
   (*c*) Usual place of residence.
   (*d*) Address.
   (*e*) Signature of the father or guardian of the bridegroom, with date.
6. (*a*) Full name of the father or guardian of the bride.
   (*b*) His age.
   (*c*) Usual place of residence.
   (*d*) Address.
   (*e*) Signature of the father or guardian of the bride, with date.
7. (*a*) Full name of the officiating priest.
   (*b*) His age.
   (*c*) Usual place of residence.
   (*d*) Address.
   (*e*) Signature of the officiating priest, with date.

THE BOMBAY SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS (SUPPLEMENTARY) ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2. Amendments to enactments.

3. Amendments not to render invalid notifications, orders, etc., issued before commencement of Act.

4. Saving.

SCHEDULE.

BOMBAY ACT No. VIII OF 1954.[1]

[THE BOMBAY SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS (SUPPLEMENTARY) ACT, 1954.]

[*10th February 1954*]

An Act to supplement the provisions of the Bombay Separation of Judicial and Executive Functions Act, 1951.

Bom. XXIII of 1951.

WHEREAS it is expedient to supplement the provisions of the Bombay Separation of Judicial and Executive Functions Act, 1951; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Separation of Judicial and Executive Functions (Supplementary) Act, 1954.

Amendments to enactments.

2. The Central Acts specified in Parts I and II of the Schedule appended to this Act (hereinafter called the Schedule) in their application to the State of Bombay and the Bombay Acts specified in Part III of the Schedule are hereby amended to the extent mentioned in the fourth column of the Schedule.

Amendments not to render invalid notifications, orders, etc., issued before commencement of Act.

3. The provisions of this Act which amend any Act specified in the Schedule so as to alter the manner in which, the authority by which or the law under or in accordance with which, any powers are exercisable, shall not render invalid any notification, order, commitment, attachment, by-law, rule or regulation duly made or issued or anything duly done before the commencement of this Act; and any such notification, order, commitment, attachment, by-law, rule or regulation or thing may be revoked, varied or undone in the like manner, to the like extent and in the like circumstances, as if it had been done after the commencement of this Act by the competent authority and in accordance with the provisions then applicable to such a case.

Saving.

4. (*1*) Save as provided in this section, nothing in this Act shall be deemed to affect—

(*a*) the validity, invalidity, effect or consequence of anything done or suffered to be done in an area before the date on which the provisions of this Act come into force in such area;

(*b*) any right, privilege, obligation or liability already acquired, accrued or incurred before such date;

(*c*) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such date;

(*d*) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment;

and any such investigation, legal proceeding or remedy may be instituted, continued, or enforced and any such penalty, forfeiture or punishment may be imposed in accordance with the provisions of the relevant enactments as amended by this Act.

(*2*) All legal proceedings pending before a Magistrate or Court on the date on which this Act comes into force shall, if such Magistrate or Court ceases to have jurisdiction in respect of such proceedings under the provisions of the relevant enactments as amended by this Act, stand transferred to the Magistrate or Court having

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, Page 656.

jurisdiction under the provisions of the relevant enactments as amended by this Act and shall be heard and disposed of by such Magistrate or Court and such Magistrate and Court shall have all the powers and jurisdiction thereof as if they had been originally instituted before such Magistrate or in such Court.

SCHEDULE.

(*See* section 2.)

PART I—*The Code of Criminal Procedure, 1898.*

Year.	Number.	Short title.	Extent of amendment.
1	2	3	4
1898 ..	V ..	Code of Criminal Procedure, 1898.	1. In section 10— (*i*) in sub-section (*2*)— (*a*) for the words "an Additional District Magistrate" the words "one or more Additional District Magistrates" shall be substituted; and (*b*) for the words "such Additional District Magistrate" the words "an Additional District Magistrate" shall be substituted; (*ii*) after sub-section (*2*) the following sub-section shall be inserted, namely :— "(*3*) For the purposes of sub-section (*3*) of section 192, section 406B and sub-section (*3A*) of section 528, an Additional District Magistrate shall be deemed to be subordinate to the District Magistrate." 2. In sub-section (*2*) of section 13, for the words "any Sub-Divisional Magistrate" the words "one or more Sub-Divisional Magistrates" and for the words "any Taluka Magistrate" the words "one or more Taluka Magistrates" shall be substituted. 3. For section 17A, the following shall be substituted, namely :— "17A. *Subordination of Executive Magistrates.*—(*1*) All Executive Magistrates appointed under section 13 or 14 shall be subordinate to the District Magistrate; and every Taluka Magistrate shall also be subordinate to the Sub-Divisional Magistrate, subject, however, to the general control of the District Magistrate. (*2*) The District Magistrate may, from time to time, make rules or give special orders consistent with this Code as to the distribution of business among the magistrates subordinate to him and as to allocation of business to an Additional District Magistrate." 4. In section 192, after sub-section (*2*), the following shall be inserted, namely :— "(*3*) Any District Magistrate or Sub-Divisional Magistrate may transfer any case of which he has taken cognizance, for inquiry or trial to any Magistrate subordinate to him and such Magistrate may dispose of the case accordingly."

PART I—*The Code of Criminal Procedure, 1898*—contd.

Year.	Number.	Short title.	Extent of amendment.
1	2	3	4
			5. After section 406A, the following section shall be inserted, namely :— "406B. *Transfer of appeals to Additional District Magistrates.*—The District Magistrate may transfer any appeal presented to him under section 406 or 406A to an Additional District Magistrate, and such Additional District Magistrate may hear and dispose of the appeal." 6 In section 505, in sub-section (*1*), for the words "Magistrate of the First class" the words "Magistrate subordinate to him" shall be substituted. 7. In section 528, after sub-section (*3*), the following sub-section shall be inserted, namely :— "(*3A*) Where the District Magistrate authorised under sub-section (*3*) withdraws any case from any Magistrate subordinate to him, he may inquire into or try such case himself or refer it for inquiry or trial to any other Magistrate subordinate to him and competent to inquire into or try the same."

PART II—*Other Central Acts.*

Year.	Number.	Short title.	Extent of amendment.
1	2	3	4
1867	XXV	The Press and Registration of Books Act, 1867.	In section 1, the words "'Magistrate' means any person exercising the full powers of a Magistrate, and includes a Magistrate of Police" shall be deleted.
1886	XI	The Indian Tramways Act, 1886.	1 In section 37, for the words "a Magistrate" wherever they occur, the words "an Executive Magistrate" shall be substituted; 2 In section 38, for the words "a Magistrate" the words "an Executive Magistrate" shall be substituted.
1910	IX	The Indian Electricity Act, 1910.	1 In sub-section (*3*) of section 18, for the words "a Magistrate of the first class" the words "the District Magistrate" shall be substituted; 2 In section 54, for the words "a Magistrate" the words "an Executive Magistrate" shall be substituted.
1912	IV	The Indian Lunacy Act, 1912.	In section 3, for clause (6) the following shall be substituted, namely :— "(6) 'Magistrate' means in Greater Bombay, Presidency Magistrate and elsewhere, a Magistrate of the first class".

PART II—*Other Central Acts*—contd.

Year.	Number.	Short title.	Extent of amendment.
1	2	3	4
1920 ..	XXXIII.	The Identification of Prisoners Act, 1920.	In section 5, in the first proviso, for the words "except by a Magistrate of the first class" the words "except by the District Magistrate, a Sub-Divisional Magistrate, a Magistrate of the first class" shall be substituted.
1925 ...	XII ..	The Cotton Ginning and Pressing Factories Act, 1925.	In sub-section (*1*) of section 11, for the words beginning with the words "the District Magistrate" and ending with the words "State Government" the words "the Commissioner of Police in Greater Bombay and the District Magistrate, elsewhere" shall be substituted.
1936 ...	IV ..	The Payment of Wages Act, 1936.	In sub-section (*1*) of section 15, for the word "Magistrate" the words "Judicial Magistrate" shall be substituted.
1948 ..	XI ..	The Minimum Wages Act, 1948.	In sub-section (*1*) of section 20, for the word "Magistrate" the words "Judicial Magistrate" shall be substituted.
1951 ..	LVI ..	The Press (Objectionable Matter) Act, 1951.	In sub-section (*2*) of section 6, for the words "any Magistrate" the words "any Judicial Magistrate" shall be substituted.

PART III—*Bombay Acts.*

Year.	Number.	Short title.	Extent of amendment.
1	2	3	4
1888 ..	III ..	The Bombay Municipal Corporation Act.	In sub-section (*1*) of section 379A, for the words "Presidency Magistrate" the words "Presidency Magistrate specially empowered by the State Government" shall be substituted.
1892 ..	I ..	The Bombay District Vaccination Act, 1892.	In section 23, in sub-section (*1*), for the words "a Magistrate" the words "a Taluka Magistrate" shall be substituted.
1901 ..	III ..	The Bombay District Municipal Act, 1901.	1 In sub-section (*1*) of section 86,— (*i*) for the words "Magistrate or Bench of Magistrates" the words "Judicial Magistrates or Bench of such Magistrates" shall be substituted; and (*ii*) for the words "State Government or of the District Magistrate" the words "Sessions Judge" shall be substituted. 2 In sub-section (*3*) of section 145, for the words "a Magistrate exercising not less than second class powers" the words "a Taluka Magistrate" shall be substituted. 3 In sub-section (*1*) of section 148, for the words "a Magistrate of the first class" the words "a Taluka Magistrate" shall be substituted.

PART III—*Bombay Acts*—contd.

Year.	Number.	Short title.	Extent of amendment.
1	2	3	4
			4 In section 153, for the words "Magistrate of the first class" the words "Executive Magistrate" shall be substituted. 5 In section 158, for the words "any Magistrate" the words "any Executive Magistrate" shall be substituted.
1923	VI	The Bombay Local Boards Act, 1923.	In section 113,— (*i*) for the words "Magistrate or Bench of Magistrates" the words "Judicial Magistrate or Bench of such Magistrates" shall be substituted, and (*ii*) for the words "State Government or of the District Magistrate" the words "Sessions Judge" shall be substituted.
1925	XVIII	The Bombay Municipal Boroughs Act, 1925.	1 In sub-section (*1*) of section 110,— (*i*) for the words "Magistrate or Bench of Magistrates" the words "Judicial Magistrate or Bench of such Magistrates" shall be substituted; and (*ii*) for the words "District Magistrate" the words "Session Judge" shall be substituted. 2 In sub-section (*3*) of section 180, for the words "a Magistrate exercising not less than second class powers" the words "a Taluka Magistrate" shall be substituted. 3 In sub-section (*1*) of section 183, for the words "a Magistrate of the first class" the words "a Taluka Magistrate" shall be substituted. 4 In section 189, for the words "Magistrate of the first class" the words "Executive Magistrate" shall be substituted. 5 In section 196, for the words "any Magistrate" the words "any Executive Magistrate" shall be substituted.
1938	XIX	The Bombay Probation of Offenders Act, 1938.	In sub-section (*3*) of section 3, the words "or Sub-Divisional Magistrate" shall be deleted.
1947	LI	The Bombay Habitual Offenders Restriction Act, 1947.	In section 11,— (*i*) for sub-section (*1*) the following shall be substituted, namely :— "(1) Where an order of restriction is made against any person, the court or Magistrate making such order or the court or Magistrate to whom an appeal would lie against such order under section 13 may, at any time, on its or his own motion or on an application from such person and for sufficient reasons to be recorded in writing, make an order cancelling or modifying the order of restriction"; (*ii*) sub-section (*3*) shall be deleted.

PART III—*Bombay Acts*—concld.

Year.	Number.	Short title.	Extent of amendment.
1	2	3	4
1948 ...	LXXI ...	The Bombay Children Act, 1948.	In section 38, for the words beginning with the word "elsewhere" and ending with the words "is situated" the following shall be substituted, namely:— "elsewhere of the court which passes any order under this Act in respect of the child".
1949 ...	LIX ...	The Bombay Provincial Municipal Corporations Act, 1949.	1 In sub-section (*3*) of section 122, for the words beginning with the words "the Chief Presidency Magistrate" and ending with the words "First Class" the words "the Presidency Magistrate specially empowered by the State Government, in Greater Bombay, and elsewhere, the District Magistrate" shall be substituted. 2 In sub-section (*1*) of section 307, for the words "a Magistrate of the First Class" the words "the District Magistrate" shall be substituted. In sub-section (*2*) of section 433, for the words "nearest Magistrate" the words "nearest Judicial Magistrate" shall be substituted.

BOMBAY ACT No. X OF 1954.[1]

[THE BOMBAY SALES TAX (AMENDMENT) ACT, 1953.]

[*22nd February 1954*]

An Act to amend the Bombay Sales Tax Act, 1953.

Bom. III of 1953. WHEREAS it is expedient to amend the Bombay Sales Tax Act, 1953, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. (*1*) This Act may be called the Bombay Sales Tax (Amendment) Act, 1953. Short title and commencement.

(*2*) This section and sections 2 and 24 shall come into force at once and the remaining sections shall come into force on such day as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2. [*Amendments made by sections 2 to 28 have been incorporated in the Bombay Sales Tax Act, 1953.*]

29. Nothing in this Act shall be deemed to affect anything done before the day appointed under sub-section (*2*) of section 1 of this Act or any right acquired or any obligation or liability incurred before the aforesaid day or any legal proceedings or remedy in respect of any such right, obligation or liability or assessment levy or recovery of tax or the imposition or recovery of any penalty ; and any such right, obligation, liability or remedy may be enforced and any such legal proceeding may be instituted or continued and any such tax may be assessed, levied or recovered and any such penalty may be imposed or recovered, as if sections 3 to 28 had not come into force. Saving.

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1953, Part V, pages 430-432.

BOMBAY ACT No. XI OF 1954.[1]

[THE BOMBAY LOCAL BOARDS (AMENDMENT) ACT, 1954.]

[*5th March 1954*]

An Act to amend the Bombay Local Boards Act, 1923.

Bom. VI of 1923.

WHEREAS it is expedient to amend the Bombay Local Boards Act, 1923, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Local Boards (Amendment) Act, 1954.

2. [*Amendments made by sections 2 to 15 have been incorporated in the Bombay Local Boards Act, 1923.*]

Amendments made by sections 2 and 4 to 7 to apply to elections held on or after 1st March 1955.

16. The amendments made in the said Act by sections 2 and 4 to 7 (both inclusive) of this Act shall have effect for the purposes of the general elections to be held on or after the first day of March 1955, and for all subsequent elections. For the purposes of any elections held between the period from the date of the comming into force of this Act and the 28th day of February 1955 (both inclusive), the list of voters in force on the date of coming into force of this Act shall continue to operate.

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1953, Part V, pages 625-626.

THE COURT-FEES (BOMBAY AMENDMENT) ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
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3. Deletion of section 4 of Act VII of 1870.
4. Amendment of heading of Chapter III of Act VII of 1870.
5. Amendment of section 6 of Act VII of 1870.
6. Amendment of section 7 of Act VII of 1870.
7. Insertion of new sections 8A to 8D in Act VII of 1870.
8. Deletion of sections 9 and 10 of Act VII of 1870.
9. Amendment of section 19 of Act VII of 1870.
10. Insertion of new section 31 in Act VII of 1870.
11. Amendment of Schedule I to Act VII of 1870.
12. Amendment of Schedule II to Act VII of 1870.
13. Repeal of Bom. XV of 1943.

BOMBAY ACT No. XII OF 1954.[1]

[THE COURT-FEES (BOMBAY AMENDMENT) ACT, 1954.]

[*11th March 1954*]

An Act to amend the Court-fees Act, 1870, in its application to the State of Bombay.

VII of 1870. WHEREAS it is expedient to amend the Court-fees Act, 1870, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Court-fees (Bombay Amendment) Act, 1954.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Further amendment of Act VII of 1870.

VII of 1870. **2.** The Court-fees Act, 1870, as amended from time to time in its application to the State of Bombay (hereinafter referred to as "the said Act") is in its application to the said State further amended in the manner hereinafter provided.

Deletion of section 4 of Act VII of 1870.

3. Section 4 of the said Act shall be deleted.

Amendment of heading of Chapter III of Act VII of 1870.

4. In Chapter III of the said Act, for the heading "FEES IN OTHER COURTS AND IN PUBLIC OFFICES", the heading "COMPUTATION OF FEES" shall be substituted.

Amendment of section 6 of Act VII of 1870.

5. (*1*) Section 6 of the said Act shall be re-numbered as sub-section (*1*) of the said section and in the said sub-section so renumbered, the words "Except in the Courts hereinbefore mentioned" shall be deleted and for the words "be paid" the words "has been paid" shall be substituted.

(*2*) After the said sub-section so renumbered, the following shall be added; namely :—

"(*2*) Where any difference arises between the officer whose duty it is to see that any fee is paid under this Act and any suitor or his pleader, as to the necessity of paying a fee on the amount thereof, the question shall, when the question arises in the High Court be referred to the taxing officer whose decision thereon shall be final, except when the question is, in his opinion, one of general importance in which case, he shall refer it to the final decision of the Chief Justice of the High Court or of such Judge of the High Court as the Chief Justice shall appoint either generally or specially in this behalf.

(*3*) When any such difference arises in the City Civil Court, Bombay, the question shall be referred to the Registrar of the City Civil Court except when the question is, in his opinion, one of general importance, in which case, he shall refer it to the final decision of the Principal Judge or such other judge of the said Court as the Principal Judge generally or specially appoints in this behalf.

(*4*) When such difference arises in any other Court, the question shall be referred to the final decision of the Judge presiding over such Court.

(*5*) Nothing in this section shall affect the provisions of the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay."

XV of 1882.

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1953, Part V, page 649.

Amendment of section 7 of Act VII of 1870.

6. In section 7 of the said Act,—

(*i*) clause (*b*) of paragraph (*iv*) shall be deleted;

(*ii*) in paragraph (*iv*), for the words, brackets and letter "with a minimum fee of rupees five in the case of suits falling under clause (*o*)" the following shall be substituted, namely :—

"subject to the provisions of section 8A with a minimum fee of rupees ten in the case of suits falling under clauses (*c*) to (*f*)";

(*iii*) after paragraph (*vi*) the following paragraph shall be inserted, namely :—

"(*vi-a*) In suits for partition and separate possession of a share of joint family property or of joint property, or to enforce a right to a share in any property on the ground that it is joint family property or joint property whether or not the plaintiff is in actual or constructive possession of the property of which he claims to be a co-parcener or co-owner, according to the value of the share in respect of which the suit is instituted."

Explanation.—For the purposes of this paragraph, if the property in which a share is claimed consists of or includes any land assessed to land revenue for the purpose of agriculture, the value of such land shall be deemed to be the value as determined under the proviso to sub-paragraph (*d*) of paragraph (*v*) of this section."

Insertion of new sections 8A to 8D in Act VII of 1870.

7. After section 8 of the said Act, the following sections shall be inserted namely :—

Inquiry as to valuation of suits.

"8A. If the Court is of opinion that the subject-matter of any suit has been wrongly valued it may revise the valuation and determine the correct valuation and may hold such inquiry as it thinks fit for such purpose.

Investigation to ascertain proper valuation.

8B. (*1*) For the purpose of an inquiry under section 8A the Court may depute, or issue a commission to, any suitable person to make such local or other investigation as may be necessary and to report thereon to the Court. Such report and any evidence recorded by such person shall be evidence in the inquiry.

(*2*) The Court may, from time to time, direct such party to the suit as it thinks fit to deposit such sum as the Court thinks reasonable as the costs of the inquiry, and if the costs are not deposited within such time as the Court shall fix, may, notwithstanding anything contained in any other Act, dismiss the suit if such party is the plaintiff or the appellant and, in any other case, may recover the costs as a public demand.

Power of persons making inquiry under sections 8A and 8B.

8C. (*1*) The Court, when making an inquiry under section 8A and any person making an investigation under section 8B shall have, respectively for the purposes of such inquiry or investigation, the powers vested in a Court under the Code of Civil Procedure, 1908, in respect of the following matters, namely :— V of 1908.

(*a*) enforcing the attendance of any person and examining him on oath or affirmation;

(*b*) compelling the production of documents or material objects; and

(*c*) issuing commissions for the examination of witnesses.

(*2*) An inquiry or investigation referred to in sub-section (*1*) shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

XLV of 1860.

8D. If in the result of an inquiry under section 8A the Court finds that the subject-matter of the suit has been undervalued the Court may order the party responsible for the undervaluation to pay all or any part of the costs of the inquiry. Costs of inquiry as to valuation and refund of excess fee.

If in the result of such inquiry the Court finds that the subject-matter of the suit has not been undervalued the Court may, in its discretion, order that all or any part of such costs shall be paid by Government or by any party to the suit at whose instance the inquiry has been undertaken, and if any amount exceeding the proper amount of fee has been paid shall refund the excess amount so paid."

8. Sections 9 and 10 of the said Act shall be deleted. Deletion of sections 9 and 10 of Act VII of 1870.

9. In section 19 of the said Act,— Amendment of section 19 of Act VII of 1870.

(*a*) after paragraph (*i*), the following paragraph shall be inserted, namely :—

"(*ii*) Application for certified copies of documents or for any other purpose in the course of a criminal proceeding presented by or on behalf of the State Government to a criminal Court." ;

(*b*) paragraphs (*xiv*), (*xv*), (*xix*) and (*xxiv*) shall be deleted.

10. In Chapter VI of the said Act, before section 33, the following section shall be inserted, namely :— Insertion of new section 31 in Act VII of 1870.

"31. (*1*) When any suit in a Court is settled by agreement of parties before issues have been settled or any evidence recorded, half the amount of the fee paid by the plaintiff on the plaint shall be repaid to him by the Court : Repayment of fee on plaint under certain circumstances.

Provided that no such fee shall be repaid if the amount of fee on the plaint does not exceed five rupees or the claim for repayment is not made within one year from the date on which the suit was settled by agreement.

(*2*) The State Government may, from time to time, by order, provide for repayment to the plaintiffs of any part of the fee paid on plaints by them in suits disposed of under such circumstances and subject to such conditions as may be specified in the order."

Amendment of Schedule I to Act VII of 1870.

11. In Schedule I to the said Act, for articles 1, 2, 6, 7, 8, 9 and 11 and table of *ad valorem* fees, the following shall, respectively, be substituted, namely :—

" *Ad valorem fees.*

Note.—If the fee calculated at the rate shown in the third column comes to a fraction of an anna, the proper fee payable shall be the round figure as shown in the Table of rates of *ad valorem fees* contained in the Schedule.

Number.	——	Proper fee.
1. Plaint, written statement pleading a set off or counter-claim or memorandum of appeal (not otherwise provided for in this Act) or of cross-objection presented to any Civil or Revenue Court.	When the amount or value of the subject-matter in dispute does not exceed five rupees.	Seven annas and six pies.
	When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees, up to one hundred rupees.	Seven annas and six pies.
	When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to one thousand rupees.	Fifteen annas.
	When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to five thousand rupees.	Six rupees four annas.
	When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees.	Eighteen rupees twelve annas.
	When such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees.	Twenty-eight rupees two annas.
	When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees.	Thirty-seven rupees eight annas.
	When such amount or value exceeds thirty thousand rupees, for every two thousand rupees, or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees.	Thirty-seven rupees eight annas.
	When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof, in excess of fifty thousand rupees:	Thirty-seven rupees eight annas.
	Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be twelve thousand and five hundred rupees.	

Ad valorem fees—contd.

Number.	—	Proper fee.
I of 1877. 2. Plaint in a suit for possession under the Specific Relief Act, 1877, section 9.	....	A fee of one half the amount prescribed in the foregoing scale.
6. Copy or translation of a judgment or order not being, or having the force of a decree.	....	One rupee.
7. Copy of a decree or order having the force of a decree.	When such decree or order is made by any Civil Court other than a High Court, or by any Revenue Court.	Two rupees.
	When such decree or order is made by a High Court.	Five rupees.
II of 1899. 8. Copy of any document liable to stamp-duty under the Indian Stamp Act, 1899, when left by any party to a suit or proceeding in place of the original withdrawn.	(*a*) When the stamp-duty chargeable on the original does not exceed one rupee.	The amount of the duty chargeable on the original.
	(*b*) In any other case ..	One rupee four annas.
9. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement, report or the like, taken out of any Civil or Criminal or Revenue Court or Office, or from the office of any chief officer charged with the executive administration of a division.	For every three hundred and sixty words or fraction of three hundred and sixty words.	Ten annas.
11. Probate of a will or letters of administration with or without will annexed.	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, on the part of the amount or value in excess of one thousand rupees, up to ten thousand rupees.	Two and a half per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds ten thousand rupees, on the part of the amount or value in excess of ten thousand rupees, up to fifty thousand rupees.	Three and three quarters per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds fifty thousand rupees, on the part of the amount or value in excess of fifty thousand rupees, up to one lakh of rupees.	Five per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one lakh of rupees, on the part of the amount or value in excess of one lakh of rupees, up to two lakhs of rupees.	Five and five-eighths per centum.

Ad valorem fees—concld.

Number.	——	Proper fee.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds two lakhs of rupees, on the part of the amount or value in excess of two lakhs of rupees, up to two lakhs and fifty thousand rupees.	Six and a quarter per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds two lakhs and fifty thousand rupees, on the part of the amount or value in excess of two lakhs and fifty thousand rupees, up to three lakhs of rupees.	Six and seven-eighths per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds three lakhs of rupees, on the part of the amount or value in excess of three lakhs of rupees, up to four lakhs of rupees.	Seven and a half per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds four lakhs of rupees, on the part of the amount or value in excess of four lakhs of rupees, up to five lakhs of rupees.	Eight and one-eighth per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds five lakhs of rupees, on the part of the amount or value in excess of five lakhs of rupees:	Eight and three quarters per centum.
	Provided that when, after the grant of a certificate under Part X of the Indian Succession Act, 1925, or under Bombay Regulation VIII of 1827, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.	XXXIX of 1925.

Table of rates of ad valorem *fees leviable on the institution of suits.*

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.	When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.
Rs.	Rs.	Rs. a.	Rs.	Rs.	Rs. a.
...	5	0 8	380	390	36 9
5	10	0 15	390	400	37 8
10	15	1 7	400	410	38 7
15	20	1 14	410	420	39 6
20	25	2 6	420	430	40 5
25	30	2 13	430	440	41 4
30	35	3 5	440	450	42 3
35	40	3 12	450	460	43 2
40	45	4 4	460	470	44 1
45	50	4 11	470	480	45 0
50	55	5 3	480	490	45 15
55	60	5 10	490	500	46 14
60	65	6 2	500	510	47 13
65	70	6 9	510	520	48 12
70	75	7 1	520	530	49 11
75	80	7 8	530	540	50 10
80	85	8 0	540	550	51 9
85	90	8 7	550	560	52 8
90	95	8 15	560	570	53 7
95	100	9 6	570	580	54 6
100	110	10 5	580	590	55 5
110	120	11 4	590	600	56 4
120	130	12 3	600	610	57 3
130	140	13 2	610	620	58 2
140	150	14 1	620	630	59 1
150	160	15 0	630	640	60 0
160	170	15 15	640	650	60 15
170	180	16 14	650	660	61 14
180	190	17 13	660	670	62 13
190	200	18 12	670	680	63 12
200	210	19 11	680	690	64 11
210	220	20 10	690	700	65 10
220	230	21 9	700	710	66 9
230	240	22 8	710	720	67 8
240	250	23 7	720	730	68 7
250	260	24 6	730	740	69 6
260	270	25 5	740	750	70 5
270	280	26 4	750	760	71 4
280	290	27 3	760	770	72 3
290	300	28 2	770	780	73 2
300	310	29 1	780	790	74 1
310	320	30 0	790	800	75 0
320	330	30 15	800	810	75 15
330	340	31 14	810	820	76 14
340	350	32 13	820	830	77 13
350	360	33 12	830	840	78 12
360	370	34 11	840	850	79 11
370	380	35 10	850	860	80 10

Table of rates of ad valorem *fees, etc.*—contd.

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.		When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.	
Rs.	Rs.	Rs.	a.	Rs.	Rs.	Rs.	a.
860	870	81	9	4,400	4,500	312	8
870	880	82	8	4,500	4,600	318	12
880	890	83	7	4,600	4,700	325	0
890	900	84	6	4,700	4,800	331	4
900	910	85	5	4,800	4,900	337	8
910	920	86	4	4,900	5,000	343	12
920	930	87	3	5,000	5,250	362	8
930	940	88	2	5,250	5,500	381	4
940	950	89	1	5,500	5,750	400	0
950	960	90	0	5,750	6,000	418	12
960	970	90	15	6,000	6,250	437	8
970	980	91	14	6,250	6,500	456	4
980	990	92	13	6,500	6,750	475	0
990	1,000	93	12	6,750	7,000	493	12
1,000	1,100	100	0	7,000	7,250	512	8
1,100	1,200	106	4	7,250	7,500	531	4
1,200	1,300	112	8	7,500	7,750	550	0
1,300	1,400	118	12	7,750	8,000	568	12
1,400	1,500	125	0	8,000	8,250	587	8
1,500	1,600	131	4	8,250	8,500	606	4
1,600	1,700	137	8	8,500	8,750	625	0
1,700	1,800	143	12	8,750	9,000	643	12
1,800	1,900	150	0	9,000	9,250	662	8
1,900	2,000	156	4	9,250	9,500	681	4
2,000	2,100	162	8	9,500	9,750	700	0
2,100	2,200	168	12	9,750	10,000	718	12
2,200	2,300	175	0	10,000	10,500	746	14
2,300	2,400	181	4	10,500	11,000	775	0
2,400	2,500	187	8	11,000	11,500	803	2
2,500	2,600	193	12	11,500	12,000	831	4
2,600	2,700	200	0	12,000	12,500	859	6
2,700	2,800	206	4	12,500	13,000	887	8
2,800	2,900	212	8	13,000	13,500	915	10
2,900	3,000	218	12	13,500	14,000	943	12
3,000	3,100	225	0	14,000	14,500	971	14
3,100	3,200	231	4	14,500	15,000	1,000	0
3,200	3,300	237	8	15,000	15,500	1,028	2
3,300	3,400	243	12	15,500	16,000	1,056	4
3,400	3,500	250	0	16,000	16,500	1,084	6
3,500	3,600	256	4	16,500	17,000	1,112	8
3,600	3,700	262	8	17,000	17,500	1,140	10
3,700	3,800	268	12	17,500	18,000	1,168	12
3,800	3,900	275	0	18,000	18,500	1,196	14
3,900	4,000	281	4	18,500	19,000	1,225	0
4,000	4,100	287	8	19,000	19,500	1,253	2
4,100	4,200	293	12	19,500	20,000	1,281	4
4,200	4,300	300	0	20,000	21,000	1,318	12
4,300	4,400	306	4	21,000	22,000	1,356	4

Table of rates of ad valorem *fees, etc.*—concld.

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.	When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.
Rs.	Rs.	Rs. a.	Rs.	Rs.	Rs. a.
22,000	23,000	1,393 12	32,000	34,000	1,731 4
23,000	24,000	1,431 4	34,000	36,000	1,768 12
24,000	25,000	1,468 12	36,000	38,000	1,806 4
25,000	26,000	1,506 4	38,000	40,000	1,843 12
26,000	27,000	1,543 12	40,000	42,000	1,881 4
27,000	28,000	1,581 4	42,000	44,000	1,918 12
28,000	29,000	1,618 12	44,000	46,000	1,956 4
29,000	30,000	1,656 4	46,000	48,000	1,993 12
30,000	32,000	1,693 12	48,000	50,000	2,031 4

and the fee increases at the rate of thirty-seven rupees eight annas for every five thousand rupees, or part thereof, up to a maximum of twelve thousand and five hundred rupees, for example—

Rs.	Rs. a.	Rs.	Rs. a.
1,00,000	2,406 4	9,00,000	8,406 4
2,00,000	3,156 4	10,00,000	9,156 4
3,00,000	3,906 4	11,00,000	9,906 4
4,00,000	4,656 4	12,00,000	10,656 4
5,00,000	5,406 4	13,00,000	11,406 4
6,00,000	6,156 4	14,00,000	12,156 4
7,00,000	6,906 4	15,00,000	12,500 0
8,00,000	7,656 4		

Amendment of Schedule II to Act VII of 1870.

12. In Schedule II to the said Act, for articles 1 to 7 and articles 10 to 21, the following articles shall be substituted, namely :—

" *Fixed fees.*

Number.	—	Proper fee.	
1. Application or petition ..	(*a*) When presented to any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealings; or when presented to any officer of land-revenue by any person holding temporarily settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclusively to such engagement; or when presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement; or when presented to any Civil Court other than a principal Civil Court of original jurisdiction, or to any Court of Small Causes constituted under the Provincial Small Causes Courts Act, 1887, or to a Collector or other officer of revenue or to a public officer in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees, not being an application for assistance under section 86 of the Bombay Land Revenue Code, 1879; or when presented to any Civil, Criminal or Revenue Court, or to any Board or executive officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or officer, or of any other document on record in such Court or office.	Three annas.	IX of 1887. Bom. V of 1879.
	(*aa*) When presented to a Collector or other officer of revenue for assistance under section 86 of the Bombay Land Revenue Code, 1879;	Five annas.	Bom V of 1879.
	(*b*) When containing a complaint or charge of any offence other than an offence for which police officers may, under the Criminal Procedure Code, 1898, arrest without warrant, and presented to any Criminal Court;	Ten annas.	V of 1898.

Fixed fees—contd.

Number.	—	Proper fee.
	or when presented to a Civil, Criminal or Revenue Court, or to a Collector, or any Revenue officer or to a public officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity and not otherwise provided for by this Act; or to deposit in Court revenue or rent; or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant.	
	(*bb*) When presented to any competent authority for the purpose of obtaining a certificate of domicile.	One rupee.
	(*c*) When presented to a Chief Controlling Revenue or Executive Authority, or to a Commissioner of Revenue or Circuit, or to any chief officer charged with the executive administration of a division and not otherwise provided for by this Act.	Two rupees eight annas.
I of 1877.	(*d*) When presented to a High Court— (*i*) under section 45 of the Specific Relief Act, 1877 or for directions, orders or writs under article 226 of the Constitution.	Ten rupees.
	(*ii*) in any other case ..	Five rupees.
1A. Application to any Civil Court that records may be called for from another Court.	When the Court grants the application and is of opinion that the transmission of such records involves the use of the post.	Fifteen annas in addition to any fee levied on the application under clause (*a*), clause (*b*) or clause (*d*) of Article 1 of the Schedule.
1B. First application (other than a petition containing a criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit not being an affidavit made for the immediate purpose of being produced in Court.	...	Eight annas.
2. Application for leave to sue as a pauper.	...	Ten annas.
3. Application for leave to appeal as a pauper.	(*a*) When presented to a District Court ..	One rupee four annas.
	(*b*) When presented to a Commissioner or a High Court.	Two rupees eight annas.

Fixed fees—contd.

Number.	—	Proper fee.	
4. Plaint or memorandum of appeal in a suit to obtain possession under the Mamlatdars' Courts Act, 1906.	....	Ten annas.	Bom. II of 1906.
5. Plaint or memorandum of appeal in a suit to establish or disprove a right of occupancy.	.....	Ten annas.	
6. Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1898, or the Code of Civil Procedure, 1908, and not otherwise provided for by this Act.	.....	One rupee four annas.	V of 1898. V of 1908.
6A. Bail-bonds in criminal cases, recognizance to prosecute or give evidence and recognizances for personal appearance or otherwise.	.....	Four annas.	
7. Undertaking under section 49 of the Indian Divorce Act, 1869.	.....	One rupee four annas.	IV of 1869.
10. Mukhtarnama or Wakalatnama.	When presented for the conduct of any one case— (*a*) to any Civil or Criminal Court other than a High Court, or to any Revenue Court, or to any Collector or Magistrate, or other executive officer ;	Two rupees.	
	(*b*) to a High Court	Three rupees.	
11. Memorandum of appeal when the appeal is not from a decree or an order having the force of a decree, and is presented.	(*a*) to any Civil Court other than a High Court, or to any Revenue Court or Executive Officer other than the High Court or Chief Controlling Revenue or Executive Authority ;	Ten annas.	
	(*b*) to a High Court or Chief Controlling Executive or Revenue Authority.	Two rupees eight annas.	
12. *Caveat* ...	When the amount or value of the property involved does not exceed two thousand rupees.	Six rupees four annas.	
	when the amount or value of the property involved exceeds two thousand rupees.	Twelve rupees eight annas.	
12A. Application for permission to cut timber in Government Forests, or otherwise relating to such forests.	(*a*) When the amount or value of the property exceeds fifty rupees, but does not exceed one hundred rupees.	Eight annas.	
	(*b*) When it exceeds one hundred rupees.	One rupee.	

Fixed fees—contd.

	Number.	—	Proper fee.
XXI of 1866.	14. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866.	.....	Twelve rupees eight annas.
	17. Plaint or memorandum of appeal in each of the following suits:—		
	(*i*) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court;	When the amount or value of the property involved does not exceed five hundred rupees.	Twelve rupees eight annas.
	(*ii*) to alter or cancel any entry in a register of the names of proprietors of revenue paying estates; and	When the amount or value of the property involved exceeds five hundred rupees.	Eighteen rupees twelve annas.
	(*iii*) to obtain a declaratory decree or order, where no consequential relief is prayed;	.....	Eighteen rupees twelve annas.
	(*iv*) to set aside alienation; ...	.....	Eighteen rupees twelve annas.
	(*v*) to set aside a decree or award;	When the amount or value of the property involved does not exceed five hundred rupees.	Twelve rupees eight annas.
		When the amount or value of the property involved exceeds five hundred rupees.	Eighteen rupees twelve annas.
	(*vi*) to set aside an adoption; and	....	Thirty rupees.
	(*vii*) any other suit where it is not possible to estimate at a money value the subject-matter in dispute, and which is not otherwise provided for by this Act.	....	Thirty rupees.
	18. Application—		
V of 1908.	(*a*) under paragraph 17 of the Second Schedule to the Code of Civil Procedure, 1908;	....	Twelve rupees eight annas.

Fixed fees—concld.

Number.	—	Proper fee.	
(*b*) for probate or letters of administration or for revocation thereof under the Indian Succession Act, 1925;	When the amount or value of the estate does not exceed two thousand rupees.	Two rupees eight annas.	XXXIX of 1925.
	When it exceeds two thousand rupees, but does not exceed five thousand rupees.	Six rupees four annas.	
(*c*) for a certificate under Part X of the Indian Succession Act, 1925, or Bombay Regulation VIII of 1827;	When it exceeds five thousand rupees ..	Twelve rupees eight annas.	XXXIX of 1925.
(*d*) for opinion or advice or for discharge from a Trust, or for appointment of new Trustees under section 34, 72, 73 or 74 of the Indian Trusts Act, 1882;	....	Twelve rupees eight annas.	II of 1882.
(*e*) for the winding up of a Company, under section 166 of the Indian Companies Act, 1913;	....	Twelve rupees eight annas.	VII of 1913.
(*f*) under rule 58 of Order XXI of the Code of Civil Procedure, 1908, regarding a claim to attached property.	When the amount or value of the property exceeds five hundred rupees.	Twelve rupees eight annas.	V of 1908.
19. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908.	....	Twenty-five rupees.	V of 1908.
20. Every petition under the Indian Divorce Act, 1869, except petitions under section 44 of that Act and every memorandum of appeal under section 55 of that Act.	....	Thirty-seven rupees eight annas.	IV of 1869.
21. Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1865 or the Bombay Hindu Divorce Act, 1947.	....	Thirty-seven rupees eight annas.	XV of 1865. Bom. XXII of 1947.
22. Petitions under the Indian Christian Marriage Act, 1872, sections 45 and 48.	....	Two rupees.	XV of 1872.

Repeal of Bom. XV of 1943.

13. The Bombay Increase of Court-fees Act, 1943, is hereby repealed. Bom. XV of 1943.

THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1954.

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3. Appropriation.

SCHEDULE.

BOMBAY ACT No. XIII OF 1954.[1]

[THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1954.]

[*19th March 1954*]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1954.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1954, and for the purpose of authorising payment of the said sums; It is hereby enacted as follows:—

1. This Act may be called the Bombay (Supplementary) Appropriation Act, 1954. **Short title.**

2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 8,36,57,324 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1954, in respect of the services and purposes specified in column 2 of the Schedule. **Issue of Rs. 8,36,57,324 out of the Consolidated Fund of the State of Bombay for the year 1953-54.**

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1954. **Appropriation.**

Schedule.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding.		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ..	7—Land Revenue ..	30	19,871	19,901
2	State Excise ..	8—State Excise ..	10	3,873	3,883
3	Stamps ..	9—Stamps ..	25,000	....	25,000
4	Registration ..	11—Registration ..	1,21,000	....	1,21,000

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1954, Part V, p. 153.

Schedule—contd.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding.		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
5	Charges on account of Motor Vehicles Acts.	12—Charges on account of Motor Vehicles Acts.	37,000	18,07,090	18,44,090
6	Other Taxes and Duties.	13—Other Taxes and Duties.	7,42,540	23,00,000	30,42,540
7	Interest on works for which Capital accounts are kept—Irrigation Works.	17—Interest on works for which Capital accounts are kept—Irrigation Works.	....	11,13,000	11,13,000
8	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses, and 18—Other revenue expenditure financed from ordinary revenues.	68,61,620	7,245	68,68,865
9	Interest on debt and other obligations.	22—Interest on debt and other obligations.	....	40	40
10	Appropriation for Reduction or Avoidance of Debt.	23—Appropriation for Reduction or Advoidance of Debt.	....	3,76,114	3,76,114
11	General Administration.	25—General Administration.	130	10	140
12	Administration of Justice.	27—Administration of Justice.	50,040	....	50,040
13	Jails and Convict Settlements.	28—Jails and Convict Settlements.	9,94,000	....	9,94,000
14	Police ..	29—Police ..	140	....	140
15	Ports and Pilotage ..	30—Ports and Pilotage.	20,010	....	20,010
16	Dangs District ..	33-A, Dangs District.	20	....	20
17	Scientific Departments.	36—Scientific Departments.	2,03,000	....	2,03,000
18	Education ..	37—Education ..	10,35,110	....	10,35,110
19	Medical ..	38—Medical ..	13,91,780	....	13,91,780
20	Public Health ..	39—Public Health ..	40	....	40
21	Agriculture ..	40—Agriculture ..	1,74,96,290	....	1,74,96,290

Schedule—contd.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
22	Veterinary ..	41—Veterinary ..	1,18,010	....	1,18,010
23	Co-operation ..	42—Co-operation ..	66,500	....	66,500
24	Industries ..	43—Industries ..	5,88,540	....	5,88,540
25	Miscellaneous Departments (except Labour).	47—Miscellaneous Departments.	70	1,713	1,783
26	Civil Works ..	50—Civil Works ..	240	56,022	56,262
27	Other Revenue Expenditure connected with Multipurpose River Schemes.	51-B—Other Revenue Expenditure connected with Multipurpose River Schemes.	3,26,300	....	3,26,300
28	Electricity Schemes .	XLI—Receipts from Electricity Schemes. —Deduct—working Expenses.	26,50,810	....	26,50,810
29	Famine ..	54—Famine ..	73,65,000	8,68,000	82,33,000
30	Territorial and Political Pensions of Indian Rulers.	54-A—Territorial and Political Pensions of Indian Rulers.	62,576	....	62,576
31	Superannuation Allowances and Pensions.	55—Superannuation Allowances and Pensions.	11,73,000	46,000	12,19,000
32	Stationery and Printing.	56—Stationery and Printing.	10	....	10
33	Miscellaneous ..	57—Miscellaneous ..	1,39,64,314	1,82,011	1,41,46,325
34	Community Development Projects.	63-B—Community Development Projects.	32,28,580	....	32,28,580
35	Civil Defence ..	64-B—Civil Defence	2,152	....	2,152
		Total expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Accounts).	5,85,23,862	67,80,989	6,53,04,851
36	Irrigation ..	68—Construction of Irrigation, Navigation, Embankment and Drainage Works.	40	....	40

Schedule—concld.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding. Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
37	Public Health ..	70—Capital Outlay on improvement of Public Health.	10	....	10
38	Agricultural Improvement and Research.	71—Capital Outlay on Schemes of Agricultural Improvement and Research.	10	....	10
39	Industrial Development.	72—Capital Outlay on Industrial Development.	16,00,000	....	16,00,000
40	Civil Works ..	81—Capital Account of Civil Works outside the Revenue Account.	20	23,394	23,414
41	Electricity Schemes .	81-A—Capital Outlay on Electricity Schemes.	30	....	30
42	Housing for Displaced Persons and Milk Scheme.	82—Capital Account of other State Works outside the Revenue Account.	50	2,415	2,465
43	Payments to Retrenched Personnel.	85—Payments to Retrenched Personnel.	10,000	....	10,000
44	Schemes of State Trading.	85-A—Capital Outlay on State Schemes of State Trading.	20	1,96,988	1,97,008
		Total Capital expenditure outside the Revenue Account.	16,10,180	2,22,797	18,32,977
45	Permanent Debt ..	Permanent Debt ..	....	10,54,900	10,54,900
46	Loans and Advances by State Government.	Loans and Advances by State Government.	1,50,80,100	14,382	1,50,94,482
47	Loans from the Central Government.	Loans from the Central Government.	....	3,70,114	3,70,114
		Total Disbursements under Debt Heads.	1,50,80,100	14,39,396	1,65,19,496
		Grand Total ..	7,52,14,142	84,43,182	8,36,57,324

THE BOMBAY NURSES, MIDWIVES AND HEALTH VISITORS ACT, 1954.

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BOMBAY ACT No. XIV OF 1954.[1]

[THE BOMBAY NURSES, MIDWIVES AND HEALTH VISITORS ACT, 1954.]

[*23rd March 1954*]

Amended by Bom. 2 of 1955.

An Act to amend and consolidate the law relating to Nurses, Midwives and Health Visitors in the State of Bombay.

WHEREAS it is expedient to amend and consolidate the law relating to nurses, midwives and health visitors in the State of Bombay; It is hereby enacted as follows :—

PART I.

Preliminary.

Short title, extent, commencement and application.

1. (*1*) This Act may be called the Bombay Nurses, Midwives and Health Visitors Act, 1954.

(*2*) It shall extend to the whole of the State of Bombay.

(*3*) Parts, I, II, III, V, VI and VII of this Act shall come into force at once in the whole of the State of Bombay and shall apply to all persons referred to therein. Part IV shall come into force on such date and shall apply to such class of persons only in such areas as the State Government may by notification in the *Official Gazette* appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "affiliated institution" means an institution for the nursing of the sick, maternity or child welfare, which may be affiliated to the Council in accordance with the by-laws ;

(*b*) "by-law" means a by-law made by the Council under section 30 ;

(*c*) "Council" means the Bombay Nursing Council constituted under section 3 ;

(*d*) "institution" includes any association, which maintains or controls a nurses establishment ;

(*e*) "licensing authority" in the case of a municipal area means the municipal corporation or the municipality established for such area and in the case of any other area the district local board established for such area :

Provided that the State Government may by notification in the *Official Gazette* in respect of any area specify any other authority as the licensing authority for such area ;

(*f*) "list" means a list of nurses, midwives and health visitors prepared and kept under section 17 ;

(*g*) "nurse" includes a male nurse [2][and an auxiliary nurse and midwife] ;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, pages 98-99.

[2] These words were added by Bom. 2 of 1955, s. 3, Second Schedule.

(*h*) "nurses establishment" means any establishment whether carried on for gain or not, which provides for or is intended to provide the services of persons to act as nurses, midwives or health visitors to those requiring such services ;

(*i*) "prescribed" means prescribed by rules ;

(*j*) "register" means a register maintained under section 12 and the expressions "registered" and "registration" shall be construed accordingly ;

(*k*) "registered medical practitioner" means a person registered under the Bombay Medical Act, 1912, or registered or entered on the list under the Bombay Medical Practitioners' Act, 1938, or a person whose name is entered in Part A or Part B of the register of practitioners maintained under the Bombay Homoeopathic Act, 1951 ; Bom. VI of 1912. Bom. XXVI of 1938. Bom. XLVIII of 1951.

(*l*) "rule" means a rule made by the State Government under section 29.

PART II.

The Bombay Nursing Council.

Establishment, incorporation and constitution of Council.

3. (*1*) The State Government may, by notification in the *Official Gazette*, establish a Council to be called "the Bombay Nursing Council" for the purpose of carrying out the provisions of this Act. Such Council shall be a body corporate and have perpetual succession and a common seal and may, by the same name, sue and be sued.

(*2*) The Council shall consist of the following twenty-two members,—

(*a*) as *ex-officio* members,—

(*i*) the Surgeon-General with the Government of Bombay ;

(*ii*) the Director of Public Health for the Government of Bombay ;

(*iii*) the Superintendent of Nursing Services, Government of Bombay ;

(*b*) as elected members,—

(*i*) one by nurses, midwives and health visitors registered in the register under each of the following regions, namely :—

(*a*) Greater Bombay ;

(*b*) Northern Division ;

(*c*) Central Division ; and

(*d*) Southern Division ;

(*ii*) two persons to be elected by the heads of the affiliated institutions ;

(*iii*) five persons to be elected as follows :—

(*a*) two, by the matrons of the affiliated institutions which have declared in the prescribed manner their principal office to be situated in Greater Bombay ;

(*b*) three, by the matrons of the affiliated institutions which have declared in the prescribed manner their principal office to be situated elsewhere in the State of Bombay ;

(*iv*) two persons to be elected by the sister tutors of the affiliated institutions and the heads of Nursing Colleges recognised by the Council in this behalf ;

(*v*) one person to be elected by the Bombay Medical Council ;

(*vi*) one person to be elected by the Co-ordination Committee (by whatever name called) of the local branches in the State of Bombay of the Indian Medical Association;

(*vii*) one person to be elected by the members of the Faculties of Nursing and, where there are no Faculties of Nursing, by the members of the Faculties of Medicine of the Universities established by law in the State of Bombay, which confer a degree in Nursing;

(*c*) as nominated members, three persons to be nominated by the State Government.

(*3*) The President and Vice-President of the Council shall be elected from among the members of the Council.

(*4*) The election of the President and Vice-President shall, subject to the provisions of this Act, be held at such time and place and in such manner as may be prescribed by rules made in this behalf.

Appointment of members in default of election.

4. If any of the institutions referred to in section 3 does not, by such date as may be prescribed, elect a person to be a member of the Council, the State Government shall, by order in writing, appoint to the vacancy a person qualified for election thereto; and the person so appointed shall be deemed to be a member of the Council as if he had been duly elected by the said institution.

Period of office of members.

5. (*1*) The members of the Council, other than the *ex-officio* members specified in clause (*a*) of sub-section (*2*) of section 3, shall hold office for a term of five years from the date of their election or nomination or until their successors have been duly elected or nominated whichever is longer and shall be eligible for re-election or re-nomination, as the case may be.

(*2*) Any such member may at any time resign his appointment by letter addressed to the President of the Council.

Vacancy.

6. When a vacancy occurs in the office of a member of the Council through death, resignation, removal or disability of such member or otherwise, previous to the expiry of the period of his office, the vacancy shall be filled in the manner prescribed. Any person elected or nominated to fill a casual vacancy shall, notwithstanding anything contained in section 5, hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

Vacancy not to affect proceedings.

7. If a vacancy in the office of a member of the Council has occurred, the continuing members thereof shall act as if no vacancy had occurred, and no act or proceeding of the Council shall be deemed invalid merely by reason of a vacancy in the Council or of a defect in the election or nomination of a person acting as a member of the Council.

Disqualifications.

8. No person shall be a member of the Council—

(*a*) who has been sentenced by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months or to transportation, such sentence not having been subsequently reversed, quashed or remitted, unless he has by order, which the State Government is

hereby empowered to make in this behalf, been relieved from the disqualification arising on account of such sentence, or

(*b*) who is an undischarged insolvent, or

(*c*) who has been adjudicated by a competent court to be of unsound mind, or

(*d*) whose name has been removed from the register.

Disabilities from continuing as member.

9. (*1*) If any member, during the period for which he has been elected or nominated,—

(*a*) absents himself without excuse, sufficient in the opinion of the Council, from three consecutive ordinary meetings of the Council; or

(*b*) is absent out of India for a period exceeding eight consecutive months; or

(*c*) becomes subject to any of the disqualifications specified in section 8; or

(*d*) having been elected by the Bombay Medical Council, ceases to be a registered medical practitioner;

the President of the Council shall forthwith report the fact to the State Government, which shall thereupon, by an order in writing, declare his seat to be vacant.

(*2*) If any question arises whether a vacancy has occurred under sub-section (*1*), the orders of the State Government shall be final for the decision of such question.

Leave of absence to members.

10. The Council may permit any member to absent himself from the meetings of the Council for any period not exceeding six months.

Elections to be held by distributive system of voting.

11. All elections under this Act shall be made according to the distributive system of voting.

Explanation.—The distributive system of voting means a system of voting in which every voter shall be entitled to give as many votes as there are seats to be filled :

Provided that no voter shall give more than one vote to any one candidate :

Provided further that no voting paper shall be deemed to be valid unless the voter has recorded all the votes which he is entitled to give.

PART III.

Registration.

Maintenance of register.

12. The Council shall maintain a register of (*a*) nurses, (*b*) midwives, and (*c*) health visitors, consisting of four sections, one each for the following regions, namely,—

(1) Greater Bombay,

(2) Northern Division,

(3) Central Division,

(4) Southern Division,

in such form, containing such particulars and divided into such parts as may be prescribed.

13. (*1*) Persons who have undergone such courses of training, have passed such examinations and who fulfil such other conditions as may be prescribed shall, on payment of the prescribed fee and on making an application in the prescribed form, be entitled to registration. Persons entitled to registration.

(*2*) Such person shall specify in the application the region in which he desires to be registered and shall not be entitled to be registered in more than one region :

Provided that if the person fails to specify the region in which he should be registered, the Council shall have the power to enter his name in such region as may be prescribed by by-laws.

14. (*1*) Subject to such conditions as may be prescribed, the Council may, after giving an opportunity to the person concerned to be heard in his defence and after holding an inquiry in the prescribed manner, refuse to enter in the register the name of any person or may order the removal of the name of such person from the register. Refusal of registration and removal and re-entry of names.

(*2*) The order passed under sub-section (*1*) shall be in writing and shall be served on the person concerned in the prescribed manner.

(*3*) The Council may direct that the name of any person against whom an order under sub-section (*1*) has been passed shall be entered or re-entered in the register, as the case may be.

15. (*1*) Any person aggrieved by any order of the Council made under section 14 may, within three months from the date on which such order is served, appeal against such order to the State Government. Appeal from order under section 14.

(*2*) The order of the State Government on any such appeal shall be final.

16. (*1*) Notwithstanding anything contained in section 13, the Council may direct that for every five years a renewal fee of such amount as may be approved by the State Government shall be paid by each person registered under the Act for the continuance of his name on the register. Renewal fee.

(*2*) If the renewal fee is not paid before the date fixed by the Council, the Council shall remove the name of the defaulter from the register :

Provided that the name so removed may be re-entered in the register on payment of the renewal fee in such manner and subject to such conditions as the Council may by by-laws direct.

17. (*1*) The Council shall prepare and keep a list of persons whose names are not entered in the register maintained under section 12 and who are practising as nurses, midwives and health visitors. The list shall be divided into such parts as may be determined by the Council. Maintenance of list of persons practising as nurses, midwives and health visitors.

(*2*) Every person not being qualified for registration under this Act, who, within the period of two years from the date on which this Part comes into force, proves to the satisfaction of the Council that he has been in regular practice as a nurse, midwife or health visitor and fulfils such other conditions as may be determined by the Council shall on payment of the prescribed fee be entitled to have his name entered in the list :

Provided that any person whose name has been removed from the register maintained under this Act or under any other law for the time being in force in any other part of India or from the register of any other country for infamous conduct in any professional respect shall not be entitled to have his name entered in the list.

(*3*) The provisions of sections 14 and 15 shall *mutatis mutandis* apply to this list.

PART IV.

Nurses, midwives and health visitors entitled to practise and control of licensing authorities.

Persons not registered or on the list not to practise as nurse, etc.

18. (*1*) No person other than a person registered under this Act or a person whose name is entered in the list shall practise or hold himself out, whether directly or by implication, as practising habitually or for personal gain as a nurse, midwife or health visitor.

(*2*) Any person who acts in contravention of the provisions of sub-section (*1*) shall, on conviction, be punished with fine which may extend to Rs. 100 for the first offence, to Rs. 200 for the second offence, and to Rs. 300 for any subsequent offence.

Conditions on practice in certain areas.

19. (*1*) Notwithstanding anything contained in section 18 a person whose name has been entered in the list shall not practise as a nurse, midwife or health visitor in an area within the limits of a municipal corporation or a municipal borough or an area notified under sub-section (*2*), unless he—

(*a*) has been in regular practice as a nurse, mid-wife or health visitor for a continuous period of five years prior to the date on which this section has come into force, or

(*b*) has been in regular practice as a nurse, mid-wife or health visitor for a continuous period of two years prior to the date on which this section has come into force and produces a certificate from an institution signed by the Matron, Medical Superintendent or other responsible officer of such institution that such person has received the training as a nurse, mid-wife or health visitor in a prescribed manner.

(*2*) The State Government may, after consultation with the local board of a istrict by a notification in the *Official Gazette*, direct that the provisions of sub-section (*1*) shall apply on such date as may be specified therein to any other area in the district, subject to such adaptations and modifications as it may consider suitable having regard to the local conditions of the area.

Licensing authority to exercise general supervision.

20. (*1*) Subject to the provisions of this Act and the rules and by-laws made in this behalf, every licensing authority shall exercise general supervision and control over the nurses, midwives and health visitors practising within the area under its jurisdiction.

(*2*) The licensing authority may authorise any of its officers to perform any of the duties and to exercise any of the powers conferred on it by this section and section 21.

21. (*1*) Every person registered under this Act or every person whose name has been entered in the list if he intends to continue to practise after the date on which this Part comes into force in any area or if either of such persons intends to practise in such area as a nurse, midwife or health visitor, he shall give notice in writing to the licensing authority and shall give a like notice to the said authority in the month of January every five years, thereafter during the period he continues to practise within the said area. Notice to licensing authority before commencement of practice.

(*2*) Every such notice shall contain such particulars and shall be in such form as may be determined by the Council.

(*3*) Any person who fails to comply with the provisions of sub-sections (*1*) and (*2*) shall, on conviction, be punished with fine which may extend to Rs. 25 for the first offence, to Rs. 50 for the second offence and to Rs. 100 for any subsequent offence.

(*4*) Any person who knowingly or wilfully makes or causes or procures any other person to make any false statement in any notice under this section shall, on conviction, be punished with fine which may extend to Rs. 100 for the first offence, to Rs. 200 for the second offence and to Rs. 300 for any subsequent offence.

PART V.

Nurses Establishments.

22. (*1*) No person shall carry on any nurses establishment, except under a valid licence granted by the licensing authority and in accordance with the terms and conditions specified in such licence, which shall be such as may be approved by the Council. Regulation of nurses' establishments.

(*2*) Any person who desires to carry on any nurses establishment shall apply to the licensing authority for a licence before such date and in such manner and in such form as may be prescribed. He shall along with the application pay to the licensing authority the prescribed fee, half of which shall be refunded to him if the licence is not granted.

(*3*) The licensing authority may before granting such licence impose such additional conditions as it may think fit for securing the proper conduct of the establishment.

(*4*) The licensing authority may, after giving an opportunity to the person concerned of being heard, refuse to grant any licence or revoke any licence already granted, if—

(*i*) the applicant or the holder of the licence is below 21 years or is in its opinion not a suitable person to hold such licence ; or

(*ii*) the premises of the establishment are not suitable ; or

(*iii*) any offence under this section has been committed in respect of the establishment.

(*5*) Any person aggrieved by any of the conditions imposed by the licensing authority or by the refusal or revocation of any licence may appeal within three months of such imposition, refusal or revocation to the State Government. The memorandum of appeal shall be accompanied by such fee as may be prescribed. The decision of the State Government on such appeal shall be final.

(*6*) The licensing authority may authorise any of its officers to perform any of the duties conferred on it by this section.

(*7*) Any officer duly authorised by the licensing authority in this behalf may at all reasonable times enter the premises specified in any licence or application for licence or any premises which are used, or which the officer has reasonable cause to believe are used, for the purpose of, or in connection with, the nurses establishment and inspect the premises and any records relating to such establishment as may be kept thereon.

(*8*) The Council may also exercise the powers of entry and inspection conferred by sub-section (*7*) through any of its officers authorised by it in this behalf. If the Council is of opinion that in any case the licence should be refused or revoked, it shall report the matter to the State Government. On receipt of such report, the State Government may after consultation with the licensing authority or after making such inquiry as it deems fit pass orders refusing or revoking the licence. Such orders shall be final.

(*9*) Any person who contravenes the provisions of sub-section (*1*) shall, on conviction, be punished with fine which may extend to Rs. 250 for the first offence and for any subsequent offence with fine which may extend to Rs. 500 or with simple imprisonment for a term which may extend to six months or with both.

(*10*) Any person who refuses any duly authorised officer of the licensing authority or any such officer of the Council to enter or inspect any premises or to inspect any records under sub-section (*7*) or (*8*), as the case may be, or obstructs such officer in the exercise of his aforesaid powers shall, on conviction, be punished with fine which may extend to Rs. 50 for the first offence and for any subsequent offence with fine which may extend to Rs. 100 or with simple imprisonment for a term which may extend to three months or with both.

(*11*) Any person who makes or causes to be made or knowingly allows to be made any entry in a record to be kept under this section, which he knows to be false in any material particular for any of the purposes of this Act or who makes, produces or furnishes, or knowingly allows to be made, produced or furnished any statement, record or information which he knows to be false in any material particular for the purpose of obtaining a licence under this section or for any other purposes of this Act shall, on conviction, be punished with fine which may extend to Rs. 250 for the first offence and for any subsequent offence with fine which may extend to Rs. 1,000 or with imprisonment for a term which may extend to six months or with both.

(*12*) Where a person committing an offence under this section is a company or other body corporate or an association of persons (whether incorporated or not), every person who at the time of the commission of the offence was a director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

BOMBAY ACT No. XIV OF 1954.[1]

[THE BOMBAY NURSES, MIDWIVES AND HEALTH VISITORS ACT, 1954.]

[*23rd March 1954.*]

An Act to amend and consolidate the law relating to Nurses, Midwives and Health Visitors in the State of Bombay.

WHEREAS it is expedient to amend and consolidate the law relating to nurses, midwives and health visitors in the State of Bombay ; It is hereby enacted as follows :—

PART I.

Preliminary.

Short title, extent, commencement and application.

1. (*1*) This Act may be called the Bombay Nurses, Midwives and Health Visitors Act, 1954.

(*2*) It shall extend to the whole of the State of Bombay.

(*3*) Parts I, II, III, V, VI and VII of this Act shall come into force at once in the whole of the State of Bombay and shall apply to all persons referred to therein. Part IV shall come into force on such date and shall apply to such class of persons only in such areas as the State Government may by notification in the *Official Gazette* appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "affiliated institution" means an institution for the nursing of the sick, maternity or child welfare, which may be affiliated to the Council in accordance with the by-laws ;

(*b*) "by-law" means a by-law made by the Council under section 30 ;

(*c*) "Council" means the Bombay Nursing Council constituted under section 3 ;

(*d*) "institution" includes any association, which maintains or controls a nurses establishment ;

(*e*) "licensing authority" in the case of a municipal area means the municipal corporation or the municipality established for such area and in the case of any other area the district local board established for such area :

Provided that the State Government may by notification in the *Official Gazette* in respect of any area specify any other authority as the licensing authority for such area ;

(*f*) "list" means a list of nurses, midwives and health visitors prepared and kept under section 17 ;

(*g*) "nurse" includes a male nurse ;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, pages 98-99.

(*h*) "nurses establishment" means any establishment, whether carried on for gain or not, which provides for or is intended to provide the services of persons to act as nurses, midwives or health visitors to those requiring such services;

(*i*) "prescribed" means prescribed by rules;

(*j*) "register" means a register maintained under section 12 and the expressions "registered" and "registration" shall be construed accordingly;

(*k*) "registered medical practitioner" means a person registered under the Bombay Medical Act, 1912, or registered or entered on the list under the Bombay Medical Practitioners Act, 1938, or a person whose name is entered in Part A or Part B of the register of practitioners maintained under the Bombay Homoeopathic Act, 1951; Bom. VI of 1912. Bom. XXVI of 1938. Bom. XLVIII of 1951.

(*l*) "rule" means a rule made by the State Government under section 29.

PART II.

The Bombay Nursing Council.

Establishment, incorporation and constitution of Council.

3. (*1*) The State Government may, by notification in the *Official Gazette*, establish a Council to be called "the Bombay Nursing Council" for the purpose of carrying out the provisions of this Act. Such Council shall be a body corporate and have perpetual succession and a common seal and may, by the same name, sue and be sued.

(*2*) The Council shall consist of the following twenty-two members,—

(*a*) as *ex-officio* members,—

(*i*) the Surgeon-General with the Government of Bombay;

(*ii*) the Director of Public Health for the Government of Bombay;

(*iii*) the Superintendent of Nursing Services, Government of Bombay;

(*b*) as elected members,—

(*i*) one by nurses, midwives and health visitors registered in the register under each of the following regions, namely:—

(*a*) Greater Bombay;
(*b*) Northern Division;
(*c*) Central Division; and
(*d*) Southern Division;

(*ii*) two persons to be elected by the heads of the affiliated institutions;

(*iii*) five persons to be elected as follows:—

(*a*) two, by the matrons of the affiliated institutions which have declared in the prescribed manner their principal office to be situated in Greater Bombay;

(*b*) three, by the matrons of the affiliated institutions which have declared in the prescribed manner their principal office to be situated elsewhere in the State of Bombay;

(*iv*) two persons to be elected by the sister tutors of the affiliated institutions and the heads of Nursing Colleges recognised by the Council in this behalf;

(*v*) one person to be elected by the Bombay Medical Council;

PART VI.

Training Institutions.

23. (*1*) The institutions which are approved and recognised by the Council after inspection by its representative shall be competent to train nurses, midwives or health visitors, and to send them for examination for the qualifying certificates of the Council. Training Institutions.

(*2*) The Council may withdraw recognition from any such institution after its inspection by a representative of the Council. The order of such withdrawal shall be in writing and shall be served in the prescribed manner.

(*3*) No school, hospital or other institution which is not approved and recognised under this section shall issue to any person a certificate or enter the name of any person in any document purporting to show that such person is qualified by reason of his having passed any examination or undergone any course of training to practise as a nurse, midwife or health visitor, unless his name is registered or entered in the list under this Act.

(*4*) Any person who contravenes the provisions of sub-section (*3*) shall, on conviction, be punished with fine which may extend to Rs. 300.

(*5*) Where a person committing an offence under this section is a company or other body corporate or an association of persons (whether incorporated or not), every person who at the time of the commission of the offence was a director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

24. Any person aggrieved by the refusal of the Council to approve and recognise any institution as competent to train nurses, midwives or health visitors may appeal, within three months from the date of such refusal, to the State Government against such order of refusal. The decision of the State Government on any such appeal shall be final. Appeal against refusal to recognise institutions.

PART VII.

Miscellaneous.

25. Every Registrar of Births and Deaths who receives notice of the death of any person whose name he knows to be or has reason to believe is entered in any register, shall forthwith transmit by post to the Council a certificate of registration of such death signed by him and stating the time and place of death; and thereupon the name of such person shall be removed from the register. Removal of names from register on notice of death.

26. Any person who— Penalty for dishonest use of certificate.

(*a*) dishonestly makes use of any certificate of registration issued under the provisions of this Act to him or to any other person,

(*b*) procures or attempts to procure registration under the provisions of this Act by making or producing, or causing to be made or produced any false or fraudulent declaration, certificate or representation, whether in writing or otherwise, or

(*c*) wilfully makes or causes to be made any false representation in any matter relating to the register or certificate issued under the provisions of this Act,

shall, on conviction, be punished with fine which may extend to Rs. 250 for the first offence and for any subsequent offence with fine which may extend to Rs. 500 or with simple imprisonment for a term which may extend to six months or with both.

Penalty or unlawful assumption of title of registred nurse, midwife or health visitor.

27. Any person who, not being a registered nurse, midwife or health visitor, takes or uses the name or title of registered nurse, midwife or health visitor, or uses any name, title, description, prescribed uniform, object or sign-board with the intention that it may be believed, or with the knowledge that it is likely to be believed that such person is a registered nurse, midwife or health visitor shall, on conviction, be punished with fine which may extend to Rs. 100 for the first offence and for any subsequent offence with fine which may extend to Rs. 200 or with simple imprisonment for a term which may extend to three months or with both.

Court competent to try offences under Act.

28. No court other than a Presidency Magistrate or a Magistrate of the First Class shall take cognizance of or try any offence under this Act.

Power of State Government to make rules.

29. (*1*) The State Government may, after previous publication, make rules to carry out all or any of the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules—

(*a*) prescribing the manner in which elections and nominations of members of the Council and the elections of the President and Vice-President shall be made and casual vacancies shall be filled under section 6 ;

(*b*) prescribing the form in which a register shall be kept, the particulars to be entered in such register, and the parts in which such register shall be divided under section 12 ;

(*c*) prescribing the courses of training and examinations entitling a person to registration, the fee payable on application for registration, the form in which such applications shall be made, and the conditions subject to which names shall be entered in the register under section 13 ;

(*d*) prescribing the causes for which, the conditions under which, and the manner in which the names of nurses, midwives and health visitors may be removed or re-entered in the register under section 14 and the manner in which the order of removal or refusal shall be served on such persons ;

(*e*) the course of instruction for and the manner in which training is required to be received by a person as a nurse, midwife or health visitor for the purpose of section 19 ;

Bom. VII of 1935.

33. (*1*) The Bombay Nurses, Midwives, and Health Visitors Registration Act, 1935, is hereby repealed.

(*2*) Nothing in sub-section (*1*) shall affect the composition of the Council as constituted under the Act so repealed (hereinafter referred to as the said Act) immediately before the date of the coming into force of this Part (hereinafter referred to as the said date) and any casual vacancy in the office of a member, President or Vice-President of the Council before the expiry of its term shall, subject to the provisions of the said Act, be filled as if Parts I, II and VII of this Act had not come into force :

Provided that the Council as constituted under the said Act shall be deemed to have been constituted under Part II of this Act and shall continue to exercise the powers and perform the duties of the Council under this Act until the expiry of the term for which it was so constituted.

(*3*) (*a*) The nurses, midwives and health visitors who immediately before the said date were enrolled on the register maintained under the said Act shall be deemed to be registered in the appropriate regions and parts of the register maintained under this Act.

(*b*) The institutions which immediately before the said date were approved and recognised by the Council to train nurses, midwives or health visitors or were affiliated institutions under the said Act shall be deemed to be likewise approved and recognised institutions or affiliated institutions, as the case may be, under this Act.

(*4*) Every appointment, order, rule, by-law, form, notification or notice made, issued or given under the said Act, in so far as it is not inconsistent with the provisions of this Act, shall continue to be in force and be deemed to have been made, issued or given under the provisions of this Act, unless and until it is superseded by any appointment, order, rule, by-law, form, notification or notice made, issued or given under this Act.

(*5*) Nothing in sub-section (*1*) shall affect any legal proceeding or remedy in respect of any right, title, interest, obligation or liability or anything done or suffered before the said date and any such proceeding shall be continued and disposed of as if this Act was not passed.

(*6*) Any reference to the Bombay Nurses, Midwives and Health Visitors Council in any law for the time being in force shall be construed as a reference to the Bombay Nursing Council.

PART VI.

Training Institutions.

23. (*1*) The institutions which are approved and recognised by the Council after inspection by its representative shall be competent to train nurses, midwives or health visitors, and to send them for examination for the qualifying certificates of the Council. Training Institutions.

(*2*) The Council may withdraw recognition from any such institution after its inspection by a representative of the Council. The order of such withdrawal shall be in writing and shall be served in the prescribed manner.

(*3*) No school, hospital or other institution which is not approved and recognised under this section shall issue to any person a certificate or enter the name of any person in any document purporting to show that such person is qualified by reason of his having passed any examination or undergone any course of training to practise as a nurse, midwife or health visitor, unless his name is registered or entered in the list under this Act.

(*4*) Any person who contravenes the provisions of sub-section (*3*) shall, on conviction, be punished with fine which may extend to Rs. 300.

(*5*) Where a person committing an offence under this section is a company or other body corporate or an association of persons (whether incorporated or not), every person who at the time of the commission of the offence was a director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

24. Any person aggrieved by the refusal of the Council to approve and recognise any institution as competent to train nurses, midwives or health visitors may appeal, within three months from the date of such refusal, to the State Government against such order of refusal. The decision of the State Government on any such appeal shall be final. Appeal against refusal to recognise institutions.

PART VII.

Miscellaneous.

25. Every Registrar of Births and Deaths who receives notice of the death of any person whose name he knows to be or has reason to believe is entered in any register, shall forthwith transmit by post to the Council a certificate of registration of such death signed by him and stating the time and place of death; and thereupon the name of such person shall be removed from the register. Removal of names from register on notice of death.

26. Any person who— Penalty for dishonest use of certificate.

(*a*) dishonestly makes use of any certificate of registration issued under the provisions of this Act to him or to any other person,

(*b*) procures or attempts to procure registration under the provisions of this Act by making or producing, or causing to be made or produced any false or fraudulent declaration, certificate or representation, whether in writing or otherwise, or

(*c*) wilfully makes or causes to be made any false representation in any matter relating to the register or certificate issued under the provisions of this Act,

shall, on conviction, be punished with fine which may extend to Rs. 250 for the first offence and for any subsequent offence with fine which may extend to Rs. 500 or with simple imprisonment for a term which may extend to six months or with both.

Penalty for unlawful assumption of title of registered nurse, midwife or health visitor.

27. Any person who, not being a registered nurse, midwife or health visitor, takes or uses the name or title of registered nurse, midwife or health visitor, or uses any name, title, description, prescribed uniform, object or sign-board with the intention that it may be believed, or with the knowledge that it is likely to be believed that such person is a registered nurse, midwife or health visitor shall, on conviction, be punished with fine which may extend to Rs. 100 for the first offence and for any subsequent offence with fine which may extend to Rs. 200 or with simple imprisonment for a term which may extend to three months or with both.

Court competent to try offences under Act.

28. No court other than a Presidency Magistrate or a Magistrate of the First Glass shall take cognizance of or try any offence under this Act.

Power of State Government to make rules.

29. (*1*) The State Government may, after previous publication, make rules to carry out all or any of the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules—

(*a*) prescribing the manner in which elections and nominations of members of the Council and the elections of the President and Vice-President shall be made and casual vacancies shall be filled under section 6 ;

(*b*) prescribing the form in which a register shall be kept, the particulars to be entered in such register, and the parts in which such register shall be divided under section 12 ;

(*c*) prescribing the courses of training and examinations [1][(including those for auxiliary nurses and midwives)] entitling a person to registration, the fee payable on application for registration, the form in which such applications shall be made, and the conditions subject to which names shall be entered in the register under section 13 ;

(*d*) prescribing the causes for which, the conditions under which, and the manner in which the names of nurses, midwives and health visitors may be removed or re-entered in the register under section 14 and the manner in which the order of removal or refusal shall be served on such persons ;

(*e*) the course of instruction for and the manner in which training is required to be received by a person as a nurse, midwife or health visitor for the purpose of section 19 ;

[1] These brackets and words were inserted by Bom. 2 of 1955, s. 3, Second Schedule.

(*f*) prescribing the matters and manner in which and the conditions under which a licensing authority shall exercise supervision and control over the nurses, midwives and health visitors practising within the area under its jurisdiction under section 20;

(*g*) the date before which and the manner and form in which application for a licence for any nurses establishment shall be made under section 22;

(*h*) the manner in which an order of withdrawal or recognition of an institution shall be served under section 23;

(*i*) prescribing the fees payable for entering the name of any person in the list under sub-section (*2*) of section 17 and in respect of an appeal under section 15 or 24; and

(*j*) any matter which is to be or may be prescribed.

Power of Council to make by-laws.

30. (*1*) The Council may make by-laws not inconsistent with this Act or the rules—

(*a*) for regulating the compilation, maintenance and publication of the register or list and the conditions of admission to the register or list;

(*b*) for regulating the conduct of any examinations which may be prescribed as a condition of admission to the register and any matter ancillary to or connected with such examinations, including the courses of training which the candidates appearing for the examinations shall undergo;

(*c*) for determining the manner in which the list shall be maintained, the conditions which shall be fulfilled by persons whose names are to be entered in the list, the qualifying examination to be passed by persons whose names are entered in the list and for regulating the conduct of such examinations;

(*d*) for the approval of any institution for the purpose of such training and the granting of diplomas to candidates passing the examinations;

(*e*) for regulating the conditions under which institutions for nursing the sick, maternity or child welfare may be affiliated to the Council;

(*f*) for appointing a Registrar and such other servants as may be necessary;

(*g*) for regulating the pay, pension, conduct and other conditions of service of persons appointed under clause (*f*);

(*h*) for establishing a provident fund for the benefit of the employees of the Council and of affiliated institutions and regulating its administration;

(*i*) for regulating and supervising the practice of their profession by registered nurses, midwives and health visitors and by persons whose names are entered in the list;

(*j*) for regulating the publication of the names of registered nurses, midwives and health visitors and of persons whose names are entered in the list and their residence;

(*k*) for regulating the conditions under which such nurses, midwives and health visitors registered in other States or other countries may be admitted to the register, on such other States and countries granting reciprocal registration to persons registered on the register of the Council;

(*l*) for determining the form and the manner in which notices under section 21 shall be given ;

(*m*) for determining the manner of inspection of the nurses establishments by the Council, the statements to be furnished and records to be maintained by such establishments ;

(*n*) for regulating the summoning of meetings of the Council and its proceedings ;

(*o*) for determining the manner in which all fees levied under this Act and all moneys received by the Council shall be accounted for, audited and applied for the purposes of this Act, and for regulating the expenditure of the Council generally ;

(*p*) for prescribing the travelling and other expenses payable to the members of the Council or of committees ;

(*q*) for the transfer of names of persons registered from one region to another region ; and

(*r*) generally for the provision of any matters in respect of which the Council considers provision should be made for the purposes of this Act.

(*2*) No by-law made by the Council shall come into force until it has been confirmed by the State Government, with or without modification or amendment.

(*3*) All by-laws made under this section shall be published in the *Official Gazette.*

Protection of persons acting in good faith, under the Act, rules or by-laws.

31. No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act, rules or by-laws.

Control.

32. (*1*) If at any time it shall appear to the State Government that the Council has failed to exercise, or has exceeded or abused any of the powers conferred upon it by or under this Act, or has failed to perform any of the duties imposed upon it by or under this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Council, and if the Council fails to remedy such default, excess or abuse, within such time as the State Government may fix in this behalf, the State Government may dissolve the Council and cause all or any of the powers and duties of the Council to be exercised and performed by such person and for such period as it may think fit and thereupon the funds and property of the Council shall vest in the State Government for the purposes of this Act until a new Council shall have been constituted under section 3.

(*2*) When the State Government has dissolved the Council under sub-section (*1*), it shall take steps as soon as may be convenient to constitute a new Council under section 3 and thereupon the property and funds referred to in sub-section (*1*) shall revest in the Council so constituted.

(*3*) Notwithstanding anything contained in this Act, rules or by-laws, if, at any time, it shall appear to the State Government that the Council or any other authority empowered to exercise any of the powers or to perform any of the functions under this Act, has not been validly constituted or appointed, the State Government may cause any of such powers or functions to be exercised or performed by such person, in such manner and for such period not exceeding 6 months and subject to such conditions as it thinks fit.

THE BOMBAY APPROPRIATION ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2. Issue of Rs. 1,93,37,63,849 out of the Consolidated Fund of the State of Bombay for the year 1954-55.

3. Appropriation.

SCHEDULE.

MO-B Bk H 344—1

[*Price*—Annas 6 *or* 8*d.*]

BOMBAY ACT No. XVII OF 1954.[1]

[THE BOMBAY APPROPRIATION ACT, 1954.]

[*31st March 1954*]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1955.

WHEREAS by virtue of article 204 of the Constitution of India it is necessary to provide for the passing of an Appropriation Act for the appropriation of sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1955; and for the purpose of authorising payment of the said sums; It is hereby enacted as follows:—

1. This Act may be called the Bombay Appropriation Act, 1954. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 1,93,37,63,849 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1955, in respect of the services and purposes specified in column 2 of the Schedule to this Act. Issue of Rs. 1,93,37,63,849 out of the Consolidated Fund of the State of Bombay for the year 1954-55.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1955. Appropriation.

SCHEDULE.

(*See* sections 2 and 3.)

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ..	7, Land Revenue ..	2,17,64,910	....	2,17,64,910
2	State Excise ..	8, State Excise ..	32,05,400	....	32,05,400
3	Stamps ..	9, Stamps ..	5,78,000	....	5,78,000
4	Forest ..	10, Forest ..	1,22,48,900	33,000	1,22,81,900
5	Registration ..	11, Registration ..	15,54,000	....	15,54,000
6	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	18,46,600	2,00,41,400	2,18,88,000
7	Other Taxes and Duties.	13, Other Taxes and Duties.	47,12,000	1,46,85,000	1,93,97,000

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1954, Part V, p. 168.

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
8	Interest on works for which Capital accounts are kept—Irrigation Works.	17, Interest on works for which capital accounts are kept — Irrigation Works.	....	1,22,28,000	1,22,28,000
9	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses, 18, Other revenue expenditure financed from ordinary revenues and 19, Construction of Irrigation, Navigation, Embankment and Drainage Works.	1,04,92,000	....	1,04,92,000
10	Interest on debt and other obligations.	22, Interest on debt and other obligations.	....	2,93,90,000	2,93,90,000
11	Appropriation for reduction or avoidance of debt.	23, Appropriation for reduction or avoidance of debt.	....	2,66,89,000	2,66,89,000
12	General Administration.	25, General Administration.	5,96,68,460	9,66,000	6,06,34,460
13	Administration of Justice.	27, Administration of Justice.	1,89,51,040	21,11,400	2,10,62,440
14	Jails and Convict Settlements.	28, Jails and Convict Settlements.	1,00,55,000	....	1,00,55,000
15	Police ..	29, Police ..	9,18,29,370	....	9,18,29,370
16	Ports and Pilotage ..	30, Ports and Pilotage	15,09,000	....	15,09,000
17	Dangs District ..	33-A, Dangs District .	55,72,700	....	55,72,700
18	Scientific Departments.	36, Scientific Departments.	6,74,000	....	6,74,000
19	Education ..	37, Education ..	14,15,49,415	....	14,15,49,415
20	Medical ..	38, Medical ..	2,91,97,450	....	2,91,97,450
21	Public Health ..	39, Public Health ..	2,97,33,270	....	2,97,33,270
22	Agriculture ..	40, Agriculture ..	2,81,55,091	....	2,81,55,091
23	Veterinary ..	41, Veterinary ..	29,77,500	....	29,77,500
24	Co-operation ..	42, Co-operation ..	1,00,43,800	....	1,00,43,800
25	Industries ..	43, Industries ..	1,11,79,076	....	1,11,79,076
26	Industries Development.	43-A, Capital Outlay on Industrial Development.	7,000	....	7,000

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
27	Miscellaneous Departments (except Labour).	47, Miscellaneous Departments.	2,98,26,677	....	2,98,26,677
28	Labour ..	47, Miscellaneous Departments.	27,30,000	....	27,30,000
29	Civil Works ..	50, Civil Works ..	9,05,23,150	4,41,700	9,09,64,850
30	Bombay Development Scheme.	51, Bombay Development Scheme.	26,92,000	....	26,92,000
31	Multipurpose River Schemes.	51-B, Other Revenue Expenditure connected with Multipurpose River Schemes.	33,000	....	33,000
32	Electricity Schemes.	XLI—Receipts from Electricity Schemes—*Deduct*—Working expenses.	1,28,52,200	....	1,28,52,200
33	Other Revenue Expenditure connected with Electricity Schemes.	52-A, Other Revenue Expenditure connected with Electricity Schemes.	23,69,300	....	23,69,300
34	Electricity Schemes .	53, Capital Outlay on Electricity Schemes.	2,55,90,000	....	2,55,90,000
35	Famine ..	54, Famine ..	36,00,000	....	36,00,000
36	Territorial and Political Pensions.	54-A, Territorial and Political Pensions.	33,000	....	33,000
37	Privy Purses and Allowances.	54-B, Privy Purses and Allowances of Indian Rulers.	15,59,000	....	15,59,000
38	Superannuation Allowances and Pensions.	55, Superannuation Allowances and Pensions.	2,78,39,600	4,71,000	2,83,10,600
39	Stationery and Printing.	56, Stationery and Printing.	1,17,77,640	....	1,17,77,640
40	Miscellaneous .	57, Miscellaneous ..	3,58,43,000	....	3,58,43,000
41	Extraordinary Charges	63, Extraordinary Charges.	3,000	....	3,000
42	Community Development Projects.	63-B, Community Development Projects.	1,04,97,000	....	1,04,97,000
43	Civil Defence ..	64-B, Civil Defence ..	1,01,500	....	1,01,500
		Total Expenditure on revenue account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	75,53,74,049	10,70,56,500	86,24,30,549

SCHEDULE—*concld.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
44	Irrigation ..	68, Construction of Irrigation, etc., Works.	7,88,86,400	....	7,88,86,400
45	Public Health ..	70, Capital Outlay on Improvement of Public Health.	63,66,000	....	63,66,000
46	Agricultural Improvement and Research.	71, Capital Outlay on Schemes of Agricultural Improvement and Research.	51,66,000	....	51,66,000
47	Industrial Development.	72, Capital Outlay on Industrial Development.	1,23,45,000	....	1,23,45,000
48	Bombay Development Scheme.	80, Bombay Development Scheme.	20,200	....	20,200
49	Civil Works ..	81, Capital Account of Civil Works outside the Revenue Account.	2,50,39,000	....	2,50,39,000
50	Electricity Schemes..	81-A, Capital Outlay on Electricity Schemes.	3,44,40,000	....	3,44,40,000
51	Housing of Displaced Persons and Milk Scheme.	82, Capital Account of other State Works outside the Revenue Account.	1,69,87,700	....	1,69,87,700
52	Payments of Commuted value of Pensions.	83, Payments of Commuted Value of Pensions.	9,40,000	....	9,40,000
53	Payments to retrenched Personnel.	85, Payments to Retrenched Personnel.	10,00,000	....	10,00,000
54	Schemes of State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	77,96,40,000	35,92,000	78,32,32,000
		Total—Capital Expenditure outside the Revenue Account.	96,08,30,300	35,92,000	96,44,22,300
55	Permanent Debt ..	Permanent Debt ..	....	32,88,000	32,88,000
56	Loans from the Central Government.	Loans from the Central Government.	....	1,41,18,000	1,41,18,000
57	Loans and Advances bearing interest.	Loans and Advances by State Government.	8,93,91,000	1,14,000	8,95,05,000
		Total Disbursement under Debt Heads.	8,93,91,000	1,75,20,000	10,69,11,000
		Grand Total ..	1,80,55,95,349	12,81,68,500	1,93,37,63,849

BOMBAY ACT No. XIX OF 1954.[1]

[THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 1954.]

[*8th April 1954*]

An Act to amend the Bombay Provincial Municipal Corporations Act, 1949.

Bom. LIX of 1949.

WHEREAS it is expedient to amend the Bombay Provincial Municipal Corporations Act, 1949, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay Provincial Municipal Corporations (Amendment) Act, 1954. Short title.

2-7. [*Amendments made by sections 2 to 7 have been incorporated in the Bombay Provincial Municipal Corporations Act, 1949.*]

8. All appointments, notifications, notices, taxes, fees, rates, orders, schemes, licences, permissions, rules, by-laws, regulations and fines made, issued or imposed and all things done or purported to have been done in relation to the areas specified in the Schedule to this Act before the coming into force of this Act shall be deemed to be validly and lawfully made, issued, imposed or done as if this Act was in force at the time when they were made, issued, imposed or done, as the case may be, and no suit or proceedings shall lie in respect thereof against the Municipal Corporation of the City of Poona, any other Municipal authority, any Councillor, Commissioner, Transport Manager, any Municipal Officer or servant or any person acting under or in accordance with the direction of the Corporation, Municipal authority, Commissioner, Transport Manager or any Municipal Officer or servant only on the ground that the said areas were not included within the limits of the City of Poona, at the time when the appointment, notification, notice, tax, fee, rate, order, scheme, licence, permission, rule, by-law, regulation, fine or thing was made, issued, imposed or done. Validation of appointments, etc.

SCHEDULE.

Name of the village. 1	Area or Survey Nos. included. 2
Ghorpadi ...	Survey Nos. 19, 34, 35B, 35A, 36A, 36B, 36C, 37, 38, 39, 40, 40A, 40B, 42B, 43, 43A, 47, 48, 46, 74A, 45, 45A, 74B. 2, 72, 71, 73, 49, 50, 69, 70A, 70B, 67B, 67A, 68, 51, 52, 53, 66, 66A, 65, 64, 61, 60A, 60B. 54, 11, 58B, 59, 62, 63, 13 earthen Bund. 58A, 57A, 56A, 55A, 55B, 56B, 57B.
Wanowrie ...	Survey Nos. 25, 24, Kabarastan, 83, 83A, 28, 27, 26, 22, 23, 82, 21, 27, 29, 30B, 30A, 79, 80, 31, 32, 33, 89, 93B, 93A/2, 93A/1, 91, 90, 33, 34B, 34A, 35, 36 (A to J), 16, 15, 37A, B, C, D, 48B, 38, 14, 11, 12, 13, 39, 40, 8, 9, 10, 1A, 1B, 2, 3, 4, 5, 6, 7, 41, 42, 43, 44, 45, 46, 47, 78, 87, 77, Gaothan, 52, 53, 51, 50, 48A, 49, 55, 64, 54, 76, 75, Chatri, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66A, 66B, 67, 68, 71, 72, 73, 74A, 74B, 70A/3, 70A/2, 70A/1, 70B, 84, 85, 92, 86, 69 and Kabarastan (88).
Mundhwa ...	Survey Nos. 80, 81, 82, 83, 84, 87, 85, 86, 77, 78, 79, 97.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1954, Part V, p. 31.

THE BOMBAY REPEALING AND AMENDING ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Repeal of certain enactments.
3. Amendment of certain enactments.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

BOMBAY ACT No. XXI OF 1954.[1]

[THE BOMBAY REPEALING AND AMENDING ACT, 1954.]

[*8th April 1954.*]

An Act to repeal certain enactments and to amend certain other enactments.

WHEREAS it is expedient to repeal certain enactments and to amend certain other enactments for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Repealing and Amending Act, 1954. Short title.

2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactments.

3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments.

THE FIRST SCHEDULE.

REPEAL.

(*See* section 2.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1862	IV	.. The Markets and Fairs Act, 1862.	Section 10.
1901	III	.. The Bombay District Municipal Act, 1901.	(1) In section 3, in clause (1), sub-clause (*a*) ; (2) In section 181, in sub-section (2), the words and letter "or in respect of any Municipality specified in Schedule E" ; (3) Schedule E.
1939	XXII	.. The Bombay Agricultural Produce Markets Act, 1939.	In section 5, the words, brackets and figures "and within the distance thereof notified under sub-section (2) of section 4".
1948	LXXII	.. The Bombay Khar Lands Act, 1948.	In section 3, in clause (*b*) of sub-section (2), the word "North".
1953	XLVII	.. The Bombay Sales of Intoxicants Taxation Act, 1953.	In section 14, the brackets and figure "(1)" where they occur for the first time.

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1954, Part V, p. 6.

THE SECOND SCHEDULE.

AMENDMENTS.

(*See* section 3.)

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1861	V	The Police Act, 1861, in its application to the State of Bombay.	(1) Section 5 shall be deleted; (2) In section 35, for the words "exercising the powers of a Magistrate" the words "of such rank as the State Government may by a general or special order, direct" shall be substituted; (3) In section 46, in sub-section (2), in clause (a), for the word "Magistrates" the words "Executive Magistrates" shall be substituted.
1888	III	The Bombay Municipal Corporation Act.	In section 412, in the marginal note, for the words "the city" the words "Greater Bombay" shall be substituted.
1898	V	The Code of Criminal Procedure, 1898, in its application to the State of Bombay.	(1) In section 10, after sub-section (2), the following new sub-section shall be added, namely:— "(2A) For the purposes of sub-section (3) of section 528, such Additional District Magistrate shall be deemed to be subordinate to the District Magistrate"; (2) In section 326,— (i) for the words beginning with the words "The Sessions Judge shall" and ending with the words "requesting him to" the words "The Sessions Judge or such Judicial Magistrate as he may appoint in this behalf shall ordinarily, seven days at least before the day which the Sessions Judge may from time to time fix for holding the sessions," shall be substituted; (ii) in the marginal note, for the words "District Magistrate" the words "Sessions Judge or Judicial Magistrate" shall be substituted; (3) In Schedule V, forms XXXII and XXXIII shall be deleted.
1920	XXXIII	The Identification of Prisoners Act, 1920, in its application to the State of Bombay.	(1) In section 2, in clause (b), the words and figures "or Chapter V of the City of Bombay Police Act, 1902" shall be deleted; (2) In section 3, in clause (a), the words and figures "under section 121 of the City of Bombay Police Act, 1902, or of any other offence punishable" shall be deleted;

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
			(3) In section 4,— (*i*) in sub-clause (*ii*) of clause (*a*), for the words, figures and letter "section 61D of the Bombay District Police Act, 1890, or under section 112 of the City of Bombay Police Act, 1902," the following shall be substituted, namely :— "section 122 of the Bombay Police Act, 1951,"; (Bom. XXII of 1951.) (*ii*) in clause (*b*), for the words, figures and letter "section 46 or 46B of the Bombay District Police Act, 1890, or under section 27 of the City of Bombay Police Act, 1902," the following shall be substituted, namely :— "section 55 or 56 of the Bombay Police Act, 1951,"; (Bom. XXII of 1951.) (4) In section 5, the words and figures "or the City of Bombay Police Act, 1902," shall be deleted ; (5) In section 7, for the words "the City of Bombay" the words "Greater Bombay" shall be substituted.
1922	XXII	The Police (Incitement to Disaffection) Act, 1922, in its application to the State of Bombay.	In the Schedule, for the entries— "1890/IV/ The Bombay District Police Act, 1890. 1902/IV The City of Bombay Police Act, 1902" the following shall be substituted, namely :— "1951/XXII/The Bombay Police Act, 1951."
1925	V	The Bombay Prevention of Adulteration Act, 1925.	In section 4,— (1) for clause (*a*) of sub-section (4), the following shall be substituted, namely:— "(*a*) unless the seller on his appearing or being brought before the Court informs the Court that he intends to rely on the warranty and specifies the name and address of the person from whom he received it and furnishes the Court with a copy of such warranty within the time fixed by the Court, and "; (2) the *Explanation* shall be deleted.
1947	VII	The Motor Vehicles (Bombay Amendment) Act, 1947.	In section 8, for the figures, brackets and letter "64(*a*)", the figures, brackets and letter "64(*g*)" shall be substituted.
1949	XXV	The Bombay Prohibition Act, 1949.	(1) In section 93, in sub-section (*1*), for the words "Presidency Magistrate in the Greater Bombay and elsewhere a Magistrate of the first class" the words "Presidency Magistrate specially empowered by the State Government in this behalf in Greater Bombay, and elsewhere, a District Magistrate or Sub-Divisional Magistrate" shall be substituted ;

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
			(2) In section 101, for the word "Magistrate", at both the places where it occurs, the word "Court" shall be substituted;
			(3) In section 127, in sub-section (*2*), for the words "a Magistrate" the words "a Magistrate having jurisdiction" shall be substituted;
			(4) In section 142, in sub-section (*2*), for the words "any Magistrate" the words "any Executive Magistrate" shall be substituted.
1950	XXIX	The Bombay Public Trusts Act, 1950.	(1) In section 77, in the marginal note, for the figures, letters and word "41, 48, 79A or 79C" the figures, letters and word "20, 41, 48, 79A, 79C or 79CC" shall be substituted;
			(2) In Schedule A, in the heading the figures ", 64" shall be deleted.
1951	XXII	The Bombay Police Act, 1951.	(1) Section 13 shall be deleted;
			(2) In sub-section (*1*) of section 21, the words "not lower in rank than that of second class" shall be deleted;
			(3) In section 74—
			(i) the words, brackets and figure "sub-section (*1*) of" shall be deleted;
			(ii) in clause (*c*),—
			(*a*) for the words, brackets and figure "sub-section (*2*) of section 6" the words, brackets, figures and letter "sub-section (*1*) of section 6B" shall be substituted;
			(*b*) for the words, brackets and figure "sub-section (*3*)" the words, brackets and figures "sub-sections (*2*) and (*3*)" shall be substituted;
			(4) In section 75, for the words, brackets and figures "sub-section (*3*) of section 6" the words, brackets, figures and letter "sub-sections (*2*) and (*3*) of section 6B" shall be substituted;
			(5) In section 77, for the brackets, figures and words "(*5*), (*6*), (*7*) and (*8*) of section 6" the brackets, figures, words and letter "(*5*), (*6*) and (*7*) of section 6B" shall be substituted;
			(6) For section 79 the following shall be substituted, namely:—
			Power of police to arrest without warrant when certain offences committed in his presence. "79. Any police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 117, or section 125 or section 130 or sub-clause (*i*), (*iv*) or (*v*)

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
			of section 131 or clause (*i*) of section 135 in respect of contravention of any order made under section 39 or 40 " ; (7) In section 113, for the word " houses " the word " horses " shall be substituted ; (8) In section 131, for the portion beginning with the brackets and letter " (*a*) " and ending with the words " be punished " the following shall be substituted, namely :— " Whoever— (*a*) contravenes any rules or order made under section 33 or any of the conditions of a licence issued under such rule or order, or (*b*) abets the commission of any offence under clause (*a*), shall, on conviction, be punished."—
1951	XXIII ...	The Bombay Separation of Judicial and Executive Functions Act, 1951.	In part II of Schedule IV, against the entry relating to the Indian Forest Act, 1927, in column 4, for the word " after " the word " for " shall be substituted.
1951	XXV ...	The Bombay Legislature Members (Removal of Disqualifications) Act, 1951.	In entry 4 in the Schedule, for the words " District Rural Development Boards ; " the words and brackets " District Development Boards constituted by the State Government (by whatever name called) ; " shall be substituted.

THE BOMBAY STATE GUARANTEES ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.

2. Fixation of limit up to which State may give guarantees and charge of such guarantees on Consolidated Fund of the State.

BOMBAY ACT No. XXII OF 1954.[1]

[THE BOMBAY STATE GUARANTEES ACT, 1954.]

[*8th April 1954*]

An Act to fix the limit up to which the executive power of the State shall extend to the giving of guarantees and to provide that the expenditure incurred under any guarantee shall be charged on the Consolidated Fund of the State.

WHEREAS it is expedient to fix the limit up to which the executive power of the State Government shall extend to the giving of guarantees ;

AND WHEREAS the Legislature of the State, by clause (1) of article 293 of the Constitution of India, has been empowered to fix such limit by law ;

AND WHEREAS it is also expedient to provide that any expenditure incurred under any guarantee given by the State Government under the said article 293 shall be charged on the Consolidated Fund of the State ; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Bombay State Guarantees Act, 1954.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Fixation of limit up to which State may give guarantees and charge of such guarantees on Consolidated Fund of the State.

2. (*1*) The limit up to which the executive power of the State Government shall extend to the giving of guarantees (including the guarantees given before the commencement of this Act) as provided in clause (1) of article 293 of the Constitution shall be the sum of Rs. 30,00,00,000.

(*2*) Any expenditure incurred by the State Government for fulfilling any guarantee given by it within the limit specified under sub-section (*1*) shall be charged on the Consolidated Fund of the State.

(*3*) The State Government shall lay before both Houses of the State Legislature—

(*a*) a statement of any guarantee given as soon as may be after it is given ; and

(*b*) within one month after the end of any financial year in which any guarantees so given are in force, an account of the total sums, if any, which during that year have been either issued out of the Consolidated Fund of the State or paid in or towards repayment of any sum so issued.

For Statement of Objects and Reasons *see Bombay Government Gazette*, 1954, Part V, p. 14.

BOMBAY ACT No. XXIII OF 1954.[1]

[THE BOMBAY AGRICULTURAL PRODUCE MARKETS (AMENDMENT) ACT, 1954]

[*9th April 1954*].

An Act to amend the Bombay Agricultural Produce Markets Act, 1939.

Bom. XXII of 1939.

WHEREAS it is expedient to amend the Bombay Agricultural Produce Markets Act, 1939, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Agricultural Produce Markets (Amendment) Act, 1954. **Short title.**

2–7. [*Amendments made by sections 2 to 7 have been incorporated in the Bombay Agricultural Produce Markets Act, 1939.*]

8. The amendments made in the said Act by section 4 of this Act shall not apply during the period for which any member of a market committee holds office on the date of the commencement of this Act and any casual vacancy in respect of any such member in the said committee occurring during the said period shall be filled up as if this Act was not passed. **Amendments made by section 4 not to apply during the period of office of existing members.**

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1954, Part V, p. 20.

BOMBAY ACT No. XXVII OF 1954.[1]

[THE BOMBAY CITY LAND REVENUE AND REVENUE TRIBUNAL (AMENDMENT) ACT, 1954.]

[*9th April 1954*]

An Act to amend the Bombay City Land Revenue Act, 1876, and the Bombay Revenue Tribunal Act, 1939.

Bom. II of 1876. Bom. XII of 1939.

WHEREAS it is expedient to amend the Bombay City Land Revenue Act, 1876, and the Bombay Revenue Tribunal Act, 1939, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Bombay City Land Revenue and Revenue Tribunal (Amendment) Act, 1954.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2–3. [*Amendments made by sections 2 and 3 have been incorporated in the Bombay City Land Revenue Act, 1876.*]

Saving.

4. Nothing in this Act shall be deemed to affect any suit instituted under the Bombay City Land Revenue Act, 1876, before the Revenue Judge and pending before him on the date on which this Act comes into force and any such suit shall be continued and disposed of, as if this Act had not been passed.

Bom. II of 1876.

5. [*Amendment made by section 5 has been incorporated in the Bombay Revenue Tribunal Act, 1939.*]

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1954, Part V, p. 136.

BOMBAY ACT No. XXX OF 1954.[1]

[THE BOMBAY STATE UNIVERSITIES (AMENDMENT) ACT, 1954.]

[*19th April 1954*]

An Act to amend various Acts relating to the establishment or recognition of Universities in the State of Bombay.

WHEREAS it is expedient to amend various Acts relating to the establishment or recognition of Universities in the State of Bombay for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay State Universities (Amendment) Act, 1954. Short title.

2-33. [*Amendments made by sections 2 to 33 have been incorporated in the relevant Acts.*]

34. The amendments made by sections 3, 7, 12, 13, 15, 16, 17 and 22 of this Act shall not apply during the period for which any member of any authority of the University concerned holds office on the date of the commencement of this Act and any casual vacancy in respect of any such member of such authority occurring during the said period shall be filled up as if this Act was not passed. Amendments made by certain sections not to apply during the period of office of existing members.

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1954, Part V, pp. 144-147.

THE MOTOR VEHICLES (BOMBAY AMENDMENT) ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2. Amendment of section 33 of Act IV of 1939.

BOMBAY ACT No. XXXI OF 1954.[1]

[THE MOTOR VEHICLES (BOMBAY AMENDMENT) ACT, 1954.]

[*3rd May 1954*]

An Act to amend the Motor Vehicles Act, 1939, in its application to the State of Bombay.

IV of 1939. WHEREAS it is expedient to amend the Motor Vehicles Act, 1939, in its application to the State of Bombay for the purpose hereinafter appearing; It is hereby enacted as follows :—

Short title. 1. This Act may be called the Motor Vehicles (Bombay Amendment) Act, 1954.

Amendment of section 33 of Act IV of 1939. IV of 1939. 2. In section 33 of the Motor Vehicles Act, 1939,—

(*1*) for sub-section (*1*), the following shall be substituted, namely :—

" (*1*) If a registering authority or other prescribed authority has reason to believe that any motor vehicle within its jurisdiction—

(*i*) is in such a condition that its use in a public place would constitute a danger to the public,

(*ii*) fails to comply with the requirements of Chapter V or of the rules made thereunder, or

(*iii*) is being used as a public service vehicle without a valid permit authorizing its use as such vehicle,

such authority may, after giving the owner an opportunity of making any representation he may wish to make, for reasons to be recorded in writing, suspend the certificate of registration of the vehicle,—

(*a*) in cases falling under clause (*i*) or clause (*ii*), until the defects are remedied to its satisfaction ;

(*b*) in cases falling under clause (*iii*), for such period not exceeding four months as it may deem fit." ;

(*2*) in sub-section (*3*), for the words "and when the suspension has continued" the words, brackets and figures "and in cases falling under clause (*i*) or clause (*ii*) of sub-section (*1*) when the suspension has continued" shall be substituted.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1954, Part V, p. 16.

THE DEKKHAN AGRICULTURISTS' RELIEF (SUITS AND APPLICATIONS) VALIDATION ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Validation of certain pending suits and applications.
3. Restoration of certain dismissed suits and applications.
4. Restoration of certain appeals and revision applications.

BOMBAY ACT No. XXXVIII OF 1954.[1]

[THE DEKKHAN AGRICULTURISTS' RELIEF (SUITS AND APPLICATIONS) VALIDATION ACT, 1954.]

[*18th May 1954*]

An Act to validate certain suits and proceedings under the Dekkhan Agriculturists' Relief Act, 1879.

Bom. XXVIII of 1947. XVII of 1879

WHEREAS by sub-section (*1*) of section 56 of the Bombay Agricultural Debtors Relief Act, 1947, the Dekkhan Agriculturists' Relief Act, 1879, was re-enacted for certain purposes for a period of three years from the date of the coming into operation of the first mentioned Act ;

XVII of 1879.

And Whereas the Dekkhan Agriculturists' Relief Act, 1879, so re-enacted expired on the 26th day of May 1950 but due to some misapprehension about the period for which the said Act was re-enacted certain suits and applications have been instituted in Courts under the said Act on the 27th day of May 1950 and some of them have been dismissed by the Courts on the ground that they were instituted after the expiry of the said Act and the others are pending in the Courts ;

And Whereas it is necessary and expedient to validate such suits and applications instituted on the 27th day of May 1950 and to provide for their disposal by the Courts ;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Dekkhan Agriculturists' Relief (Suits and Applications) Validation Act, 1954.

Validation of certain pending suits and applications.

XVII of 1879. Bom. XXVIII of 1947. Bom. XXVIII of 1947.

2. Where any suit or application purporting to be under the Dekkhan Agriculturists' Relief Act, 1879, as re-enacted by the Bombay Agricultural Debtors Relief Act, 1947 (hereinafter referred to as the said Act) was instituted or made on the 27th day of May 1950 and is pending at the commencement of this Act, the institution or the making of such suit or application shall, notwithstanding anything contained in section 56 of the Bombay Agricultural Debtors Relief Act, 1947, not be deemed to be invalid solely on the ground that the suit or application was not instituted or made, as the case may be, before the expiry of the said Act on the 26th day of May 1950.

Explanation.—For the purposes of this section, a suit or application pending at the commencement of this Act includes a suit or application in respect of which an appeal or an application for revision lies or is pending at the commencement of this Act.

Restoration of certain dismissed suits and applications.

Bom. XXVIII of 1947.

3. Where any such suit or application has, before the commencement of this Act, been dismissed by any Court solely on the ground that it was not instituted or made before the expiry of the said Act on the 26th day of May 1950, the Court shall, on application made within six months from the commencement of this Act, and notwithstanding anything contained in section 56 of the Bombay Agricultural Debtors Relief Act, 1947, set aside its decree or order and shall proceed with the suit or the application, as the case may be.

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, Part V, pp. 107-108.

Restoration of certain appeals and revision applications.

4. Where in any appeal or application for revision arising out of such suit or application, a decree or order has been passed before the commencement of this Act, dismissing the appeal or revision application or dismissing the suit or application from which the appeal or revision application arose, solely on the ground that the suit or application out of which the said appeal or revision application arose was not instituted or made before the expiry of the said Act on the 26th day of May 1950, the Appellate Court or the Judge exercising powers of revision under the said Act shall, on application made within six months from the commencement of this Act, and notwithstanding anything contained in section 56 of the Bombay Agricultural Debtors Relief Act, 1947, set aside its or his decree or order and proceed with the appeal or the revision application, as the case may be. Bom. XXVIII of 1947.

THE BOMBAY MERGED TERRITORIES AND AREAS (JAGIRS ABOLITION) ACT, 1953.

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PREAMBLE.

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1. Short title, extent and commencement.
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7. Rates of assessment.
8. All public roads, etc., situate in jagir villages to vest in Government.
9. Right to trees.
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11. Compensation to jagirdar.
12. Compensation to life-time Jiwai Jagirdars.
13. Method of awarding compensation to jagirdar.
14. Method of awarding compensation for abolition, etc. of rights of other person in property.
15. Provisions of Land Acquisition Act, 1894, applicable to award.
16. Appeal against Collector's award.
17. Procedure before Revenue Tribunal.
18. Limitation.
19. Court-fees.
20. Finality of award and decision of Revenue Tribunal.
21. Inquiries and proceedings to be judicial proceedings.
22. Amount of compensation to be payable in transferable bonds.
23. Jagirdars to deliver records to authorised officers.
24. Provisions of Bom. LXVII of 1948 to govern the relations of landlord and tenants.
25. Rules.
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BOMBAY ACT No. XXXIX OF 1954.[1]

[THE BOMBAY MERGED TERRITORIES AND AREAS (JAGIRS ABOLITION) ACT, 1953.]

[*18th June 1954.*]

An Act to abolish jagirs in the merged territories and merged areas in the State of Bombay.

WHEREAS it is expedient in the public interest to abolish jagirs of various kinds in the merged territories and merged areas in the State of Bombay and to provide for matters consequential and incidental thereto ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953.

(*2*) It extends to the merged territories and the merged areas in the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*i*) "appointed date" means the date on which this Act comes into force ;

Bom. V of 1879.

(*ii*) "Code" means the Bombay Land Revenue Code, 1879 ;

(*iii*) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;

(*iv*) "to cultivate personally" means to cultivate on one's own account,—

(*a*) by one's own labour, or

(*b*) by the labour of any member of one's family or

(*c*) by servant on wages payable in cash or kind but not in crop share or by hired labour under one's personal supervision or the personal supervision of any member of one's family ;

Explanation.—For the purposes of this clause,—

(*1*) a widow or a minor or a person who is subject to any physical or mental disability shall be deemed to cultivate the land personally if it is cultivated by her or his servants or by hired labour ;

(*2*) in the case of an undivided Hindu family, the land shall be deemed to have been cultivated personally, if it is cultivated by any member of such family ;

(*v*) "Gharkhed land" means land held by a jagirdar as his personal or private property and cultivated personally by him ;

(*vi*) "jagir" means the grant by, or recognition as a grant by, the ruling authority for the time being before the merger, of a village, a group of villages or a portion of a village, whether such grant is of the soil or an assignment of land revenue or both, and includes villages, groups or portions of villages,—

(*a*) held in the merged territories or merged areas on tenure commonly known as Jiwai jagir, Bhomia jagir, Patawat jagir, Jamaiya jagir, Chakariat jagir, Bhagina or Co-shared jagir, Khalsa Jamindari, Mulgiras Jagir, Makta, Saranjam or Political inam or on tenure known by any similar name,

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, p. 380.

(*b*) held by a Ruler of a former Indian State merged in the State of Bombay as jagir in his own State before the merger and recognised after the merger as of his ownership, use and enjoyment as his private property under the merger agreement, or

(*c*) held by a talukdar of a merged taluka or estate and recognised as of his ownership, use and enjoyment under the merger agreement;

(*vii*) "jagirdar" means the holder of a jagir village and includes his co-sharer;

(*viii*) "jagir village" means a village or part of a village held as jagir as defined in clause (*vi*);

(*ix*) "Jiwai jagir" means a village held by the holder thereof for the purposes of his maintenance by virtue of a grant, whether known as Jiwai or by any other name, made by a Ruler of a former Indian State in the merged territories or by a talukdar of a merged taluka or estate in the merged areas;

(*x*) "Life-time Jiwai jagir" means a Jiwai jagir which is recognised by the State Government in this behalf as being continuable for the life-time of the holder;

(*xi*) "Jiwai land" means land held by a cadet of a jagirdar's family for the purposes of maintenance;

(*xii*) "merger" means,—

(*a*) in relation to a former Indian State, the cession by the Ruler of such State, of full and exclusive jurisdiction and powers for, and in relation to, the governance of such State and the transfer of administration of such State to the State of Bombay under section 290A of the Government of India Act, 1935; 26 Geo. 5, Ch. 2.

(*b*) in relation to a taluka or estate in the merged areas, the transfer by the talukdar of all rights, authority and jurisdiction appertaining or in relation to the governance of such taluka or estate to the Government of Bombay and the absorption of such taluka or estate in the State of Bombay under section 290 of the Government of India Act, 1935; 26 Geo. 5, Ch. 2.

(*xiii*) "merged areas" means the areas which are included in the State of Bombay by the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1947, or the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1948, or the Bombay (Enlargement of Area and Alteration of Boundaries) (Amendment) Order, 1948, as the case may be;

(*xiv*) "merger agreement" means an agreement by virtue of which a former Indian State or a taluka or estate in the merged areas, is merged in the State of Bombay;

(*xv*) "non-proprietary jagir" means a jagir which consists of a right in the jagirdar to appropriate, as incident of the jagir, land revenue or rent due to Government from persons holding land in a jagir village, but which does not consist of any right or interest in the soil;

(*xvi*) "permanent holder" means a person who holds land in a jagir village or who holds jiwai land in such village from a cadet of a jagirdar's family, not on payment of rent but on payment of assessment, in cash or kind, to the jagirdar or to such cadet, as the case may be, and includes any person holding such land through or from such person;

(*xvii*) "prescribed" means prescribed by rules made under this Act;

(*xviii*) "proprietary jagir" means a jagir in respect of which the jagirdar under the terms of a grant or agreement or by custom or usage is entitled to any rights or interest in the soil.

(*2*) Any word or expression which is defined in the Code and not defined in this Act shall be deemed to have the meaning given to it in the Code.

(*3*) References in this Act to the incidents of jagirs shall, notwithstanding the abolition of the jagirs by this Act, be construed as references to the incidents as they were in force immediately before the appointed date.

(*4*) If any question arises,—

(*i*) whether a jagir is proprietary or non-proprietary,

(*ii*) whether any land is Gharkhed or Jiwai, or

(*iii*) whether any person is a permanent holder,

the State Government shall decide the question and such decision shall be final:

Provided that the State Government may authorise any officer to decide questions arising under any of the sub-clauses (*i*), (*ii*) and (*iii*) and subject to an appeal to the State Government, his decision shall be final.

Abolition of jagirs.

3. Notwithstanding anything contained in any usage, grant, sanad, order, agreement or any law for the time being in force, on and from the appointed date,—

(*i*) all jagirs shall be deemed to have been abolished;

(*ii*) save as expressly provided by or under the provisions of this Act, the right of a jagirdar to recover rent or assessment of land or to levy or recover any kind of tax, cess, fee, charge or any hak and the right of reversion or lapse, if any, vested in a jagirdar, and all other rights of a jagirdar or of any person legally subsisting on the said date, in respect of a jagir village as incidents of jagir shall be deemed to have been extinguished.

Liability of jagir villages for payment of land revenue.

4. All jagir villages shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder, and the provisions of the Code and the rules relating to unalienated lands shall apply to such villages:

Provided that nothing in this section shall be deemed to affect,—

(1) any devasthan inam or inams held for religious or charitable institutions, or

(2) inams held for service useful to Government.

What persons to be occupants.

5. (*1*) In a proprietary jagir village,—

(*a*) in the case of Gharkhed land held by the jagirdar, such jagirdar,

(*b*) in the case of land other than Gharkhed land, which is in the actual possession of the jagirdar or in the possession of a person other than a permanent holder holding through or from the jagirdar, such jagirdar,

(*c*) in the case of Jiwai land held by a cadet of the jagirdar's family,—

(*i*) if such land is in the possession of the cadet and cultivated by him personally or is in the possession of a person other than a permanent holder holding through or from the cadet, such cadet, and

(*ii*) if such land is held by a permanent holder, such permanent holder, and

(*d*) in the case of land held by a permanent holder, such permanent holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force :

Provided that in the case of land referred to in clause (*b*) or sub-clause (*i*) of clause (*c*), if the land is in the possession of a person holding through or from the jagirdar or cadet, as the case may be, on payment of rent to the jagirdar or cadet, such person shall be entitled to the rights of an occupant in respect of the land in his possession on payment in the prescribed manner to the jagirdar or the cadet, as the case may be, of the occupancy price equivalent to six multiples of the assessment fixed for such land :

Provided further that the right conferred by the above proviso shall not be exercisable after a period of two years from the appointed date.

(*2*) In a non-proprietary jagir village,—

(*a*) in the case of Gharkhed land held by the jagirdar, such jagirdar,

(*b*) in the case of land held by a permanent holder, such permanent holder, and

(*c*) in the case of land in the possession of a person who was liable to pay rent to the jagirdar as an incident of the jagir tenure immediately before the appointed date, such person,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force :

Provided that the person holding land as referred to in clause (*c*) shall be entitled to the right of an occupant in respect of such land on payment to the State Government of the occupancy price equivalent to six multiples of the assessment fixed for such land :

Provided further that if such person fails to pay the occupancy price within the prescribed period, it shall be recoverable as arrears of land revenue.

(*3*) Nothing in this section shall be deemed to apply to a life-time Jiwai jagir.

What persons to be occupants in life-time Jiwai jagir.

6. In a life-time Jiwai jagir village,—

(*a*) in the case of Gharkhed land held by the jagirdar, such jagirdar,

(*b*) in the case of land held by a permanent holder, such permanent holder, and

(*c*) in the case of land in the possession of a person who was liable to pay rent to the jagirdar as an incident of the jagir tenure immediately before the appointed date, such person,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force :

Provided that the person holding land as referred to in clause (c) shall be entitled to the right of an occupant in respect of such land on payment to the State Government of the occupancy price equivalent to six multiples of the assessment fixed for such land :

Provided further that if such person fails to pay the occupancy price within the prescribed period, it shall be recoverable as arrears of land revenue.

Rates of assessment.

7. Until revenue surveys and settlements of land revenue of land in a jagir village are made under Chapters VIII and VIII-A of the Code, land revenue payable to the State Government in respect of any land under section 5 or 6 shall be paid at the rate at which the assessment in respect of such land was paid to the jagirdar immediately before the appointed date :

Provided that where in respect of any land no assessment is fixed or the rates of assessment fixed in respect of any land are, in the opinion of the State Government, not in conformity with the standard rates of assessment fixed under Chapter VIII-A of the Code in respect of other areas in the State, it shall be lawful for the State Government to determine or revise, as the case may be, the rate of assessment in respect of such land having regard to such standard rates of assessment and the person liable to pay land revenue under section 5 or 6 shall pay land revenue at the rate so determined or revised.

All public roads, etc., situate in jagir villages to vest in Government.

8. All public roads, lanes and paths, the bridges, ditches, dikes and fences, on or beside the same, the bed of the sea and of harbours, creeks below high water mark, and of rivers, streams, nallas, lakes, wells and tanks, and all canals and water courses, and all standing and flowing water, all unbuilt village site lands, all waste lands and all uncultivated lands (excluding lands used for building or other non-agricultural purposes) which are situate within the limits of any jagir village, shall, except in so far as any rights of any person other than the jagirdar may be established in or over the same and except as may otherwise be provided by any law for the time being in force, vest in and shall be deemed to be, with all rights in or over the same or appertaining thereto, the property of the State Government and all rights held by a jagirdar in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the State Government, to dispose them of as he deems fit, subject always to the rights of way and other rights of the public or of individuals legally subsisting.

Explanation.—For the purposes of this section, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the appointed date.

Right to trees.

XVI of 1927. **9.** The rights to trees specially reserved under the Indian Forest Act, 1927, or any other law for the time being in force, except those the ownership of which has been transferred by the State Government under any contract, grant or law for the time being in force shall vest in the State Government and nothing in this Act shall in any way affect the right of the State Government to apply the provisions of the Indian Forest Act, 1927, as in force in the State of Bombay to forests in a Jagir village.

XVI of 1927.

Right to mines or mineral products.

10. Nothing in this Act or any other law for the time being in force, shall be deemed to affect the rights of any jagirdar subsisting on the appointed date to mines or mineral products in a jagir village granted or recognised under any contract, grant or law for the time being in force or by custom or usage.

Compensation to jagirdar.

11. (*1*) In the case of a non-proprietary jagir, the jagirdar shall be entitled to compensation at the rate of three times the average of the amount of the land revenue received by or due to the jagirdar as an incident of jagir during the five years immediately before the appointed date.

(*2*) In the case of a proprietary jagir, in respect of land held by a permanent holder the jagirdar shall be entitled to compensation equivalent to three multiples of the assessment fixed for such land.

(*3*) Any jagirdar having any right or interest in any property referred to in section 8 shall, if he proves to the satisfaction of the Collector that he had any such right or interest, be entitled to compensation in the following manner, namely :—

(*i*) if the property in question is waste or uncultivated but is cultivable land, the amount of compensation shall not exceed three times the assessment of the land :

Provided that if the land has not been assessed the amount of compensation shall not exceed such amount of assessment as would be leviable in the same village on the same extent of similar land used for the same purpose ;

(*ii*) if the property in question is land over which the public has been enjoying or has acquired a right of way or any individual has any right of easement, the amount of compensation shall not exceed the amount of the annual assessment leviable in the village for uncultivated land in accordance with the rules made under the Code or if such rules do not provide for the levy of such assessment, such amount as in the opinion of the Collector shall be the market value of the right or interest held by the claimant ;

(*iii*) if there are any trees or structures on the land, the amount of compensation shall be the market value of such trees or structures, as the case may be.

Explanation.—For the purposes of this section, the "market value" shall mean the value as estimated in accordance with the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894, in so far as the said provisions may be applicable. I of 1894.

Compensation to life-time Jiwai Jagirdars.

12. In the case of a life-time Jiwai jagir the jagirdar shall, for the abolition of all his rights in such jagir, be entitled to compensation at the rate of ten times the average of the amount of the land revenue received by or due to the jagirdar as an incident of the jagir tenure during the five years immediately before the appointed date and he shall not be entitled to any other compensation payable under this Act.

Method of awarding compensation to jagirdar.

13. (*1*) Any jagirdar entitled to compensation under section 11 or 12 shall, within twelve months from the appointed date, apply in writing to the Collector for determining the amount of compensation payable to him under the said section.

(*2*) On receipt of an application under sub-section (*1*), the Collector shall, after making formal enquiry in the manner provided by the Code, make an award determining the amount of compensation. Where there is a co-sharer of a jagirdar claiming compensation, the Collector shall by his award apportion the compensation between the jagirdar and the co-sharer.

Method of awarding compensation for abolition, etc., of rights of other person in property.

14. (*1*) If any person other than a jagirdar is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property and if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act, such person may apply to the Collector for compensation.

(*2*) The application under sub-section (*1*) shall be made to the Collector in the prescribed form within twelve months from the appointed date. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894. (I of 1894.)

Provisions of Land Acquisition Act, 1894, applicable to award.

15. Every award made under section 13 or 14 shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894, and the provisions of the said Act shall, so far as may be, apply to the making of such award. (I of 1894.)

Appeal against Collector's award.

16. An appeal shall lie against an award of the Collector to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, notwithstanding anything contained in the said Act. (Bom. XII of 1939.)

Procedure before Revenue Tribunal.

17. (*1*) The Bombay Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision.

(*2*) In deciding an appeal under this Act the Bombay Revenue Tribunal shall exercise all the powers which a Court has and shall follow the same procedure which a Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908. (V of 1908)

Limitation.

18. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal. (IX of 1908.)

Court-fees.

19. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. (VII of 1870.)

Finality of award and decision of Revenue Tribunal.

20. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

Inquiries and proceedings to be judical proceedings.

21. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. (XLV of 1860.)

Amount of compensation to be payable in transferable bonds.

22. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denomination and shall be in such forms as may be prescribed.

Jagirdars to deliver records to authorised officers.

23. (*1*) Whenever an officer authorised by the State Government in this behalf so directs, a jagirdar shall deliver to him or such other officer as may be specified in the direction, the records relating to the jagir village maintained by the jagirdar.

(*2*) If the jagirdar fails without reasonable cause to deliver any such records, he shall, on conviction, be punished with fine which may extend to two hundred rupees. In the case of a continuing failure to deliver any such records the jagirdar shall be punished with an additional fine which may extend to twenty-five rupees for every day during which such failure continues after conviction for the first such failure.

Provisions of Bom. LXVII of 1948 to govern the relations of landlord and tenants.

24. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any jagir village or the mutual rigths and obligations of a landlord and his tenants save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. Bom. LXVII of 1948.

Rules.

25. The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules shall when finally made be published in the *Official Gazette*.

Savings.

26. Nothing in this Act shall affect the villages of group of villages the revenues of which are held in Saranjam by the holders of Feudatory Jahagirs in the merged State of Kolhapur.

BOMBAY ACT No. XLI OF 1954.[1]

[THE BOMBAY VILLAGE INDUSTRIES ACT, 1954.]

[*31st August 1954*]

Amended by Bom. 2 of 1955.

An Act to provide for the organising, developing and regulation of village industries in the State of Bombay and to constitute a Board to carry out the said object.

WHEREAS it is necessary to organise, develop and regulate village industries in the State of Bombay and to constitute a Board to carry out the said objects ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Village Industries Act, 1954.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Board" means the Bombay Village Industries Board constituted under section 4 ;

(*2*) "prescribed" means prescribed by rules made under this Act ;

(*3*) "regulations" means regulations made under this Act ;

(*4*) "village industry" means generally all industries which form the normal occupation, whether whole-time or part-time, of any class of the rural population of the State of Bombay and in particular such industries as the State Government may by notification in the *Official Gazette* specify in this behalf in consultation with the Board.

CHAPTER II.

ESTABLISHMENT AND CONSTITUTION OF THE BOARD.

Incorporation of Board.

3. (*1*) With effect from such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf there shall be established for the purposes of this Act, a Board by the name of the Bombay Village Industries Board.

(*2*) The Board shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name and shall be competent to acquire and hold property both moveable and immovable and to contract and do all things necessary for the purposes of this Act.

Constitution of Board.

4. (*1*) The Board shall consist of such number of members as the State Government may appoint. One of such members shall be appointed by the State Government as the Chairman. The Chairman and other members of the Board shall hold office for such period as the State Government may, by general or special order, direct.

(*2*) The Chairman or any other member of the Board may at any time resign his office by submitting his resignation to the State Government :

Provided that the resignation shall not take effect until it is accepted.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1954, Part V, pp. 130-131.

(*3*) The Chairman and other members shall receive such allowances as may be prescribed.

(*4*) The allowances to the members shall be paid from the fund of the Board.

Vacancy of member.

5. If a member tenders his resignation in writing to the State Government and if it is accepted by the State Government, he shall cease to be a member from the date of such acceptance.

Proceedings presumed to be good and valid.

6. No act or proceeding of the Board shall be invalidated merely by reason of any vacancy in its membership on account of resignation, death or removal.

Appointment of members of staff of Board and conditions of their service.

7. (*1*) The Board may appoint such members of the staff as it may consider necessary.

(*2*) The remuneration, allowances and other conditions of service of the members of the staff of the Board shall be such as may be determined by regulations.

Appointments of committees.

8. Subject to any rules made under section 30, the Board may from time to time appoint one or more committees for the purpose of securing efficient discharge of its functions and in particular for the purpose of securing that the said functions are exercised with due regard to the circumstances and requirements of any particular village industry. Such committees may be appointed for any particular area.

Meetings of Board.

9. The Board shall meet and shall from time to time make arrangements with respect to the date, time, notice, management and adjournment of its meetings as it thinks fit. Such meeting shall be held at least once in every three months.

Power to make contracts.

10. (*1*) The Board may enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act.

(*2*) Every contract shall be made on behalf of the Board by the Chairman.

(*3*) Every contract made by the Chairman on behalf of the Board shall, subject to the provisions of this section, be entered into in such manner and form as may be prescribed.

(*4*) A contract not executed in the manner provided in this section and the rules made thereunder shall not be binding on the Board.

CHAPTER III.

Functions and Powers of the Board.

Functions of Board.

11. (*1*) It shall be the duty of the Board to organise, develop and regulate village industries and perform such functions as the State Government may prescribe from time to time.

(*2*) Without prejudice to the generality of the provisions of sub-section (*1*), the Board shall also in particular discharge and perform all or any of the following duties and functions, namely :—

(*a*) to start, encourage, assist and carry on village industries and to carry on trade or business in such industries and in the matter incidental to such trade or business ;

(*4*) The accounts of the Board shall be operated upon by such officers jointly or individually as may be authorised by the Board.

19. All property, fund and other assets of the Board shall be held and applied by it subject to the provisions and for the purposes of this Act. Application of fund and property.

20. (*1*) The Government may, from time to time, make subventions and grants to the Board for the purposes of this Act on such terms and conditions as the State Government may determine in each case. Subventions and loans to Board.

(*2*) The Board may, from time to time, with the previous sanction of the State Government and subject to the provisions of this Act and such conditions as the State Government may determine, borrow any sum required for the purposes of this Act.

21. The Board shall, on such date as may be fixed by the State Government, prepare and submit to the State Government the budget for the next financial year showing estimated receipts and expenditure on capital and revenue accounts according to the programme and the schedule of the stock. Budget.

22. The State Government may sanction the budget submitted to it with such modifications as it deems proper. Sanction of budget.

23. The Board may submit a supplementary budget for the sanction of the State Government in such form and before such date as the State Government may prescribe and the provisions of section 22 shall apply to such supplementary budget. Supplementary budget.

24. The Board shall prepare and forward to the State Government in such manner as may be prescribed an annual report within three months from the end of the financial year giving a complete account of its activities during the previous financial year. Every such report shall be laid before each House of the State Legislature as soon as may be after it is received by the State Government. Annual report.

25. The Board shall, before such date and at such intervals and in such manner as the State Government may from time to time direct, submit to the State Government a report on such matters and such statistics and such returns as the State Government may direct. Further report, statistics and returns.

26. The accounts of the Board shall be maintained and an annual statement of accounts shall be prepared in such manner as may be prescribed. Such accounts shall be audited by an auditor approved by the State Government. Accounts and audit.

CHAPTER VI.

MISCELLANEOUS

27. (*1*) In the discharge of its functions, the Board shall be guided by such instructions on questions of policy as may be given to it by the State Government. Direction by State Government.

(*2*) If any dispute arises between the State Government and the Board as to whether a question is or is not a question of policy the decision of the State Government shall be final.

Members of Board and members of staff of Board to be public servants.

28. Members of the Board and members of staff of the Board shall be deemed when acting or purporting to act in pursuance of any of the provisions of this Act to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Protection of action taken under this Act.

29. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or purported to be done under this Act.

Rules.

30. (*1*) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters :—

(*a*) the allowances of members of the Board under section 4 ;

(*b*) the manner and form in which contracts shall be entered into under section 10 ;

(*c*) the functions of the Board under section 11 ;

(*d*) the other particulars of the programme under section 13 ;

(*e*) the form in which and the date before which the supplementary programme shall be submitted under section 15 ;

(*f*) the form in which and the date before which the supplementary budget shall be submitted under section 23 ;

(*g*) the manner in which the annual report shall be prepared and forwarded to the State Government under section 24 ;

(*h*) the manner of maintenance of accounts and preparation of annual statement of accounts under section 26 ;

(*i*) any other matter which is or may be prescribed under this Act.

Regulations.

31. (*1*) The Board may, with the previous sanction of the State Government, make regulations consistent with this Act and the rules made thereunder and notify them in the *Official Gazette*.

(*2*) In particular and without prejudice to the generality of the foregoing power, the Board may make regulations providing for—

(*a*) the procedure and disposal of its business ;

(*b*) remuneration, allowances and other conditions of service of members of the staff of the Board ;

(*c*) functions and duties of the members of the staff of the Board ;

(*d*) functions of committees and the procedure to be followed by such committees in the discharge of their functions.

Saving.

[1][**32.** For the avoidance of doubt, it is hereby declared that nothing in this Act shall apply to or be deemed to apply to any industry, the control of which by the Union is declared by Parliament by law to be expedient in the public interest.]

[1] This section was substituted for the original, by Bom. 2 of 1955, s. 3, Second Schedule.

THE BOMBAY REPEALING AND AMENDING ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Repeal of certain enactments.
3. Amendment of certain enactments.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

[*Price*—Annas 8 *or* 10*d*]

BOMBAY ACT No. II OF 1955.[1]

[THE BOMBAY REPEALING AND AMENDING ACT, 1955.]

[*16th March 1955*]

An Act to repeal certain enactment and to amend certain other enactments.

WHEREAS it is expedient to repeal certain enactment and to amend certain other enactments for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Repealing and Amending Act, 1955. Short title.

2. The enactment specified in the First Schedule is hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactment.

3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments.

THE FIRST SCHEDULE.

REPEAL.

(*See* section 2.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1912	VI	... The Bombay Medical Act, 1912.	Section 9A.

THE SECOND SCHEDULE.

AMENDMENTS.

(*See* section 3.)

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1901	III	... The Bombay District Municipal Act, 1901.	In section 48, in sub-section (*1*), in clause (*j*) for the words "use or consumption" the words "consumption, use or sale" shall be substituted.
1908	XVI	... The Indian Registration Act, 1908, in its application to the State of Bombay. Bom. XVII of 1930.	In section 69, clause (*gg*) of sub-section (*1*) as inserted by the Indian Registration (Bombay Amendment) Act, 1930, shall be re-lettered as clause (*ggg*).

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, pp. 33–35.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1912	VI	... The Bombay Medical Act, 1912.	(1) In section 2,— (*i*) in sub-section (*3*), after the words "The President" the words "and Vice-President" shall be inserted. (*ii*) in sub-section (*4*) for the words "the President and members" the words "the President and Vice-President and other members" shall be substituted. (2) In section 3, in sub-section (*1*) for the words "The President and members" the words "The President, Vice-President and other members" shall be substituted. (3) In section 4, after the words "in the absence of the President" the words "the Vice-President and in the absence of both" shall be inserted.
1925	XVIII	... The Bombay Municipal Boroughs Act, 1925.	In section 61, in clause (*n*) of sub-section (*1*) for the words "use or consumption" the words "consumption, use or sale" shall be substituted.
1938	XXVI	... The Bombay Medical Practitioners' Act, 1938.	In section 18A, to sub-section (*1*), the following proviso shall be added and shall be deemed always to have been added, namely:— "Provided that the renewal fee due on 31st day of December 1954 may be paid not later than the 31st day of March 1955."
1939	XXII	... The Bombay Agricultural Produce Markets Act, 1939. Chairman, Vice-Chairman, members, secretary and servants of market committee to be public servants.	After section 21A, the following new section shall be inserted, namely :— "21B. The Chairman, the Vice-Chairman, the members, the secretary and other officers and servants of a Market Committee shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code." XLV of 1860.
1947	LXI	... The Bombay Primary Education Act, 1947.	(1) In section 2, after clause (10), the following clause shall be inserted, namely:— "(10*A*) 'Educational Inspector of the district' means the Educational Inspector appointed for a district or group of districts;" (2) In sections 23, 24 and 34 for the words "Educational Inspector of the division" the words "Educational Inspector of the district" shall be substituted. (3) In section 49, in sub-section (*2*) after the words "Educational Inspector" the words "of the district" shall be inserted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1951	XLVIII ...	The Bombay Homoeopathic Act, 1951.	In section 19, to sub-section (*2*), the following proviso shall be added, namely :— "Provided that in respect of persons eligible for registration under sub-clause (*b*) of clause (*i*) of sub-section (*3*) of section 18, such applications for registration may be made to the Registration Tribunal before the expiry of two months from the date of the coming into force of the Bombay Repealing and Amending Act, 1955." Bom. II of 1955.
1953	XLIII ...	The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953.	(1) In the preamble, in sub-section (*2*) of section 1, and sub-clause (*ii*) of clause (*b*) of sub-section (*1*) of section 2 after the word "Malpur," the word "Ambaliara," and after the words "Deogadh Baria" the words "and of the former estate of Ramas", and (2) in the Second Schedule, in the heading after the word "Malpur," the word "Ambaliara," and after the word "States" the words "and of the former estate of Ramas", shall be inserted and shall be deemed always to have been inserted.
1954	XIV ...	The Bombay Nurses, Midwives and Health Visitors Act, 1954.	(1) In section 2, to clause (*g*), the words "and an auxiliary nurse and midwife" shall be added. (2) In section 29, in clause (*c*) of sub-section (*2*) after the words "and examinations" the brackets and words "(including those for auxiliary nurses and midwives)" shall be inserted.
1954	XLI ...	The Bombay Village Industries Act, 1954.	For section 32, the following shall be substituted, namely :— "32. For the avoidance of doubt, it is hereby declared that nothing in this Act shall apply to or be deemed to apply to any industry, the control of which by the Union is declared by Parliament by law to be expedient in the public interest." Saving

THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Issue of Rs. 4,49,04,184 out of the Consolidated Fund of the State of Bombay for the year 1954-55.
3. Appropriation.

SCHEDULE.

BOMBAY ACT No. III OF 1955.[1]

[THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1955.]

[*16th March 1955*]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1955.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1955, and for the purpose of authorising payment of the said sums; It is hereby enacted in the Sixth Year of the Republic of India as follows:—

1. This Act may be called the Bombay (Supplementary) Appropriation Act, 1955. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 4,49,04,184 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1955, in respect of the services and purposes specified in column 2 of the Schedule. Issue of Rs. 4,49,04,184 out of the Consolidated Fund of the State of Bombay for the year 1954-55.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1955. Appropriation.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ..	7—Land Revenue ..	90	37,754	37,844
2	State Excise ..	8—State Excise ..	96,210	4,099	1,00,309
3	Forest ..	10—Forest ..	20	2,742	2,762
4	Registration ..	11—Registration ..	60,000	59	60,059

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, p. 69.

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
5	Charges on account of Motor Vehicles Acts.	12—Charges on account of Motor Vehicles Acts.	68,000	49,000	1,17,000
6	Other Taxes and Duties.	13—Other Taxes and Duties.	3,24,000	....	3,24,000
7	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses, 18, Other revenue expenditure financed from ordinary revenues and 19, Construction of Irrigation, Navigation, Embankment and Drainage Works.	68,01,680	....	68,01,680
8	General Administration.	25—General Administration.	230	....	230
9	Administration of Justice.	27—Administration of Justice.	150	30	180
10	Police ..	29—Police ..	150	1,640	1,790
11	Ports and Pilotage ..	30—Ports and Pilotage.	30	....	30
12	Scientific Departments.	36—Scientific Departments.	1,74,381	....	1,74,381
13	Education ..	37—Education ..	13,49,730	....	13,49,730
14	Medical ..	38—Medical ..	120	....	120
15	Public Health ..	39—Public Health ..	70	....	70
16	Agriculture ..	40—Agriculture ..	19,89,315	....	19,89,315
17	Veterinary ..	41—Veterinary ..	3,030	....	3,030
18	Co-operation ..	42—Co-operation ..	20	1,044	1,064
19	Industries ..	43—Industries ..	70	....	70
20	Labour ..	47—Miscellaneous Departments (Labour).	10	....	10

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
21	Miscellaneous Departments (except Labour).	47—Miscellaneous Departments (except Labour).	56,96,070	104	56,96,174
22	Civil Works ..	50—Civil Works ..	280	30,010	30,290
23	Bombay Development Scheme.	51—Bombay Development Scheme.	10	19	29
24	Multipurpose River Schemes.	51-B—Other Revenue Expenditure connected with Multipurpose River Schemes.	4,48,500	....	4,48,500
25	Electricity Schemes.	XLI—Receipts from Electricity Schemes Deduct Working expenses.	10	....	10
26	Other Revenue Expenditure connected with Electricity Schemes.	52-A—Other Revenue Expenditure connected with Electricity Schemes.	10	....	10
27	Electricity Schemes.	53—Capital Outlay on Electricity Schemes.	10	....	10
28	Famine ..	54—Famine ..	....	1,25,01,198	1,25,01,198
29	Territorial and Political Pensions.	54-A—Territorial and Political Pensions.	30,300	....	30,300
30	Superannuation Allowances and Pensions.	55—Superannuation Allowances and Pensions.	2,20,000	50,000	2,70,000
31	Stationery and Printing.	56—Stationery and Printing.	10	....	10
32	Miscellaneous ..	57—Miscellaneous ..	17,43,058	1,73,257	19,16,315
33	Extraordinary Charges.	63—Extraordinary Charges.	140	....	140
34	Community Development Projects.	63-B—Community Development Projects.	10	....	10

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
35	Civil Defence ..	64-B—Civil Defence	2,611	....	2,611
		Total expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	1,90,08,325	1,28,50,956	3,18,59,281
36	Irrigation ..	68—Construction of Irrigation, etc. Works.	150	....	150
37	Public Health ..	70—Capital Outlay on Improvement of Public Health.	20	....	20
38	Agricultural Improvement and Research.	71—Capital Outlay on Schemes of Agricultural Improvement and Research.	5,20,850	....	5,20,850
39	Industrial Development.	72—Capital Outlay on Industrial Development.	60,00,000	....	60,00,000
40	Bombay Development Scheme.	80—Bombay Development Scheme.	29,473	....	29,473
41	Civil Works ..	81—Capital Account of Civil Works outside the Revenue Account.	50	....	50
42	Electricity Schemes.	81-A—Capital Outlay on Electricity Schemes.	10	....	10
43	Housing of Displaced Persons and Milk Scheme.	82—Capital Account of other State Works outside the Revenue Account	50	16,07,969	16,08,019
44	Payments to Retrenched Personnel.	85—Payments to Retrenched Personnel.	5,00,000	....	5,00,000

SCHEDULE—*concld.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
45	Schemes of State Trading.	85-A—Capital Outlay on State Schemes of Government Trading.	30	....	30
		Total—Capital Expenditure outside the Revenue Account.	70,50,633	16,07,969	86,58,602
46	Permanent Debt ..	Permanent Debt ..	....	42,07,643	42,07,643
47	Floating Debt ..	Floating Debt ..	....	16,488	16,488
48	Loans and Advances bearing interest.	Loans and Advances by State Government.	50	1,62,120	1,62,170
		Total Disbursement under Debt Heads.	50	43,86,251	43,86,301
		Grand Total ..	2,60,59,008	1,88,45,176	4,49,04,184

THE BOMBAY APPROPRIATION ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Issue of Rs. 1,69,87,52,704 out of the Consolidated Fund of the State of Bombay for the year 1955-56.
3. Appropriation.

SCHEDULE

BOMBAY ACT No. IV OF 1955.[1]

[THE BOMBAY APPROPRIATION ACT, 1955.]

[*30th March 1955*]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1956.

WHEREAS by virtue of article 204 of the Constitution of India it is necessary to provide for the passing of an Appropriation Act for the appropriation of sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1956 ; and for the purpose of authorising payment of the said sums ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Appropriation Act, 1955. **Short title.**

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rs. 1,69,87,52,704 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1956, in respect of the services and purposes specified in column 2 of the Schedule to this Act. **Issue of Rs. 1,69,87,52,704 out of the Consolidated Fund of the State of Bombay for the year 1955-56.**

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1956. **Appropriation.**

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ..	7, Land Revenue ..	2,48,43,280	....	2,48,43,280
2	State Excise ..	8, State Excise ..	35,26,700	....	35,26,700
3	Stamps ..	9, Stamps	6,20,000	....	6,20,000

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, pp. 84–85.

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
4	Forest ..	10, Forest ..	1,58,70,900	33,000	1,59,03,900
5	Registration ..	11, Registration ..	16,50,000	....	16,50,000
6	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	18,40,300	2,14,19,300	2,32,59,600
7	Other Taxes and Duties.	13, Other Taxes and Duties.	51,65,200	1,42,22,800	1,93,88,000
8	Interest on works for which Capital accounts are kept—Irrigation Works.	17, Interest on works for which Capital accounts are kept—Irrigation Works.	....	1,68,65,000	1,68,65,000
9	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses, 18, Other revenue expenditure financed from ordinary revenues and 19, Construction of Irrigation, Navigation, Embankment and Drainage Works.	4,00,54,000	....	4,00,54,000
10	Interest on debt and other obligations.	22, Interest on debt and other obligations.	....	3,11,84,000	3,11,84,000
11	Appropriation for reduction or avoidance of debt.	23, Appropriation for reduction or avoidance of debt.	....	3,51,41,000	3,51,41,000
12	General Administration.	25, General Administration.	5,44,14,200	9,83,480	5,53,97,680
13	Administration of Justice.	27, Administration of Justice.	1,84,97,140	21,32,300	2,06,29,440
14	Jails and Convict Settlements.	28, Jails and Convict Settlements.	97,40,700	....	97,40,700
15	Police ..	29, Police ..	9,26,59,850	....	9,26,59,850
16	Ports and Pilotage.	30, Ports and Pilotage.	35,23,000	....	35,23,000

SCHEDULE—*contd.*

Serial No.	Services and purposes	Heads of Accounts.	Sums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
17	Dangs District ..	33-A, Dangs District..	48,12,000	....	48,12,000
18	Scientific Departments.	36, Scientific Departments.	7,35,000	....	7,35,000
19	Education ..	37, Education ..	15,79,88,600	....	15,79,88,600
20	Medical ..	38, Medical ..	3,88,71,300	....	3,88,71,300
21	Public Health ..	39, Public Health ..	3,61,33,890	....	3,61,33,890
22	Agriculture ..	40, Agriculture ..	5,22,92,120	....	5,22,92,120
23	Veterinary ..	41, Veterinary ..	32,87,000	....	32,87,000
24	Co-operation ..	42, Co-operation ..	1,23,49,000	....	1,23,49,000
25	Industries ..	43, Industries ..	1,23,36,500	....	1,23,36,500
26	Industries Development.	43-A, Capital Outlay on Industrial Development.	12,000	....	12,000
27	Miscellaneous Departments (except Labour).	47, Miscellaneous Departments.	1,95,83,320	....	1,95,83,320
28	Labour ..	47, Miscellaneous Departments.	28,25,000	....	28,25,000
29	Civil Works ..	50, Civil Works ..	9,66,51,680	4,41,900	9,70,93,580
30	Bombay Development Scheme.	51, Bombay Development Scheme.	21,68,000	....	21,68,000
31	Multipurpose River Schemes.	51-B, Other Revenue Expenditure connected with Multipurpose River Schemes.	31,000	....	31,000
32	Electricity Schemes.	XLI—Receipts from Electricity Schemes—*Deduct*—Working expenses.	1,38,000	....	1,38,000
33	Famine ...	54, Famine ...	7,53,000	12,00,000	19,53,000
34	Territorial and Political Pensions.	54-A, Territorial and Political Pensions.	78,000	.....	78,000

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
35	Privy Purses and Allowances.	54-B, Privy Purses and Allowances of Indian Rulers.	16,60,000	.....	16,60,000
36	Superannuation Allowances and Pensions.	55, Superannuation Allowances and Pensions.	2,80,15,000	5,18,000	2,85,33,000
37	Stationery and Printing.	56, Stationery and Printing.	1,14,27,220	.....	1,14,27,220
38	Miscellaneous ...	57, Miscellaneous ...	3,69,62,300	.....	3,69,62,300
39	Extraordinary Charges.	63, Extraordinary Charges.	3,000	.....	3,000
40	Community Development Projects, National Extension Service and Local Development Works.	63-B, Community Development Projects, National Extension Service and Local Development Works.	2,33,37,000	.....	2,33,37,000
41	Civil Defence ...	64-B, Civil Defence ...	1,04,100	.....	1,04,100
		Total Expenditure on revenue account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	81,49,59,300	12,41,40,780	93,91,00,080
42	Irrigation ...	68, Construction of Irrigation, etc., Works.	13,12,21,824	.....	13,12,21,824
43	Public Health ...	70, Capital Outlay on Improvement of Public Health.	68,81,000	.....	68,81,000
44	Industrial Development.	72, Capital Outlay on Industrial Development.	2,14,12,000	.....	2,14,12,000
45	Bombay Development Scheme.	80, Bombay Development Scheme.	5,19,000	.....	5,19,000
46	Civil Works ...	81, Capital Account of Civil Works outside the Revenue Account.	3,89,96,000	.....	3,89,96,000

SCHEDULE—*concld.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
47	Electricity Schemes.	81-A, Capital Outlay on Electricity Schemes.	4,01,25,000	.....	4,01,25,000
48	Housing of Displaced Persons and Milk Scheme.	82, Capital Account of other State Works outside the Revenue Account.	2,22,72,200	.....	2,22,72,200
49	Payments of Commuted value of Pensions.	83, Payments of Commuted Value of Pensions.	9,40,000	.....	9,40,000
50	Payments to retrenched Personnel.	85, Payments to Retrenched Personnel.	5,00,000	.....	5,00,000
51	Schemes of State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	29,42,99,600	34,000	29,43,33,600
		Total—Capital Expenditure outside the Revenue Account.	55,71,66,624	34,000	55,72,00,624
52	Permanent Debt...	Permanent Debt ...	.....	3,29,80,000	3,29,80,000
53	Loans from the Central Government.	Loans from the Central Government.	.....	1,50,37,000	1,50,37,000
54	Loans and Advances bearing interest.	Loans and Advances by State Government.	15,42,91,000	1,44,000	15,44,35,000
		Total Disbursement under Debt Heads.	15,42,91,000	4,81,61,000	20,24,52,000
		Grand Total ..	1,52,64,16,924	17,23,35,780	1,69,87,52,704

THE BOMBAY APPROPRIATION (EXCESS EXPENDITURE) ACT, 1955.

CONTENTS.

PREAMBLE

SECTIONS

1 Short title.

2 Issue of Rs. 11,60,21,713 out of the Consolidated Fund of the State of Bombay for the year 1950-51.

3 Appropriation.

SCHEDULE.

BOMBAY ACT No. XI OF 1955.

[THE BOMBAY APPROPRIATION (EXCESS EXPENDITURE) ACT, 1955.]

[*9th April 1955.*]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the Service of the year ending on the thirty-first day of March 1951.

WHEREAS by virtue of Article 205 of the Constitution of India, read with Article 204 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1951, and for the purpose of authorising the expenditure of the said sums; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Appropriation (Excess Expenditure) Act, 1955. **Short title.**

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rs. 11,60,21,713 towards defraying the several charges which have come in course of payment during the year ending on the thirty-first day of March 1951, in respect of the services and purposes specified in column 2 of the Schedule. **Issue of Rs. 11,60,21,713 out of the Consolidated Fund of the State of Bombay for the year 1950-51.**

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1951. **Appropriation.**

SCHEDULE.

Serial No.	Services and purposes.	Heads of Account.	Sums not exceeding: Voted by the Legislative Assembly.	Sums not exceeding: Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Forest ..	10, Forest ..	....	338	338
2	Registration ..	11, Registration ..	1,682	....	1,682
3	Other Taxes and Duties ..	13, Other Taxes and Duties.	....	1,15,210	1,15,210
4	Appropriation for reduction or avoidance of Debt.	23, Appropriation for reduction or avoidance of Debt.	....	15,80,389	15,80,389
5	General Administration ..	25, General Administration.	14,36,532	....	14,36,532
6	Administration of Justice	27, Administration of Justice.	7,73,166	....	7,73,166

[1]For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, p. 74.

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Account.	Sums not exceeding. Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
7	Ports and Pilotage ..	30, Ports and Pilotage.	1,323	....	1,323
8	Dangs ..	33-A, Dangs District ...	4,10,279	....	4,10,279
9	Public Health ..	39, Public Health ..	9,07,751	....	9,07,751
10	Superannuation Allowances and Pensions.	55, Superannuation Allowances and Pensions.	2,06,876	....	2,06,876
11	Miscellaneous ..	57, Miscellaneous ..	1,81,624	33	1,81,657
	Total expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).		39,19,233	16,95,970	56,15,203
12	Civil Works ..	81, Capital Account of Civil Works outside the Revenue Account.	1,40,979	....	1,40,979
13	Electricity Schemes ..	81-A, Capital Outlay on Electricity Schemes.	5,20,245	....	5,20,245
14	Payment of Commuted value of Pensions.	83, Payments of Commuted value of Pensions.	43,902	....	43,902
15	State Schemes connected with State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	10,81,21,206	....	10,81,21,206
	Total Capital expenditure outside the Revenue Account.		10,88,26,332	....	10,88,26,332
16	Loans from the Central Government.	Loans from the Central Government.	....	15,80,178	15,80,178
	Total disbursement under Debt Heads		....	15,80,178	15,80,178
		Grand Total ..	11,27,45,565	32,76,148	11,60,21,713

THE PROVINCIAL SMALL CAUSE COURTS (SUITS VALIDATION) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Definitions.
3. Validation of certain suits, proceedings, etc.

BOMBAY ACT No. XVI OF 1955.[1]

[THE PROVINCIAL SMALL CAUSE COURTS (SUITS VALIDATION) ACT, 1955.]

[*14th April 1955*]

An Act to validate certain suits and proceedings in the Small Cause Court established under the Provincial Small Cause Courts Act, 1887.

WHEREAS it is necessary to validate certain suits and proceedings in certain Courts of Small Causes established in the State under the Provincial Small Cause Courts Act, 1887 ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

IX of 1887.

1. This Act may be called the Provincial Small Cause Courts (Suits Validation) Act, 1955. Short title.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

IX of 1887.

(*1*) "principal Act" means the Provincial Small Cause Courts Act, 1887, as amended in its application to the State of Bombay ;

(*2*) "Small Cause Court" means a Court of Small Causes established under the principal Act ;

(*3*) "special jurisdiction suit" means a suit of civil nature, the value of which exceeds Rs. 1,000 but does not exceed Rs. 2,000 ;

(*4*) "proceedings" includes proceedings in execution of decrees or orders passed in special jurisdiction suits or in applications for revision of the said decrees or orders.

3. (*1*) Notwithstanding anything contained in sub-section (*3*) of section 15 of the principal Act, all special jurisdiction suits the cognizance of which was taken after the commencement of the Provincial Small Cause Courts (Bombay Amendment) Act, 1950, but before the 25th day of February 1955 by the Small Cause Courts shall be deemed, and always to have been deemed, to be taken cognizance of, tried or disposed of, validly and notwithstanding the fact that on the date on which the cognizance of such suits was taken, no order was made by the State Government directing that such suits shall be taken cognizance of by such Courts. All proceedings held, and judgments, decrees or orders passed, in such suits shall not be deemed to be invalid only on the ground that on the said date the State Government had not made such order. Validation of certain suits, proceedings, etc.

Bom. LVII of 1950.

(*2*) Nothing contained in sub-section (*1*) shall affect any judgment, decree or order declaring before the 25th day of February 1955 that such Courts were incompetent to take cognizance of such suits.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, p. 78.

THE BOMBAY JUDICIAL PROCEEDINGS (REGULATION OF REPORTS) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Restrictions on publication of reports of judicial proceedings.
4. Penalty.
5. Jurisdiction to try offences.
6. Previous sanction.
7. Forfeiture and seizure of newspaper, etc., under section 99A of Criminal Procedure Code.
8. Operation of other laws.

SCHEDULE.

BOMBAY ACT No. XVIII OF 1955.[1]

[THE BOMBAY JUDICIAL PROCEEDINGS (REGULATION OF REPORTS) ACT, 1955.]

[*6th May 1955*]

An Act to regulate the publication of reports of judicial proceedings.

WHEREAS it is necessary to regulate the publication of reports of judicial proceedings, so as to prevent the publication of obscene or indecent matter and other matters, the publication of which will not be in the public interest ; It is hereby enacted in the Sixth Year of the Republic of India, as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Judicial Proceedings (Regulation of Reports) Act, 1955.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government by notification in the *Official Gazette* appoints.

Definitions.

2. In this Act, unless the context otherwise requires :—

(*a*) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language and every sheet of music, map, chart or plan separately printed or lithographed or otherwise mechanically produced ;

(*b*) "document" includes any painting, drawing or photograph or other visible representation ;

(*c*) "judicial proceedings" includes any proceeding in the course of which evidence is or may be legally taken on oath ;

(*d*) "matrimonial matter" means any proceedings for dissolution or nullity of marriage, or for judicial separation, or for restitution of conjugal rights ;

(*e*) "newspaper" means any periodical work containing public news or comments on public news.

Restrictions on publication of reports of judicial proceedings.

3. No person shall print or publish or cause to be printed or published,—

(*a*) in respect of any judicial proceedings, any indecent or obscene matter, or any indecent or obscene details whether medical, surgical or physiological, which would be calculated to injure the public morals ;

(*b*) in respect of any matrimonial matter or any judicial proceedings in connection with the offence under section 497 of the Indian Penal Code, any particulars other than the following, that is to say :— XLV of 1860.

(*1*) the names of the parties ; and

(*2*) the order of the Court ;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, p. 3.

(*c*) in respect of any judicial proceedings in connection with an offence under section 354, 366, 366A, 366B, 376, 377, or 498 of the Indian Penal Code, any particulars other than the following, that is to say :— XLV of 1860.

(*1*) the name, occupation and address of the accused ; and

(*2*) the order of the Court, without disclosing the identity of, or giving any particulars calculated to lead to the identification of, any person who may have been a victim of the offence :

Provided that nothing in this section shall apply to the printing of any pleading, transcript of evidence or other document for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings or to the printing or publishing of any notice or report in pursuance of the directions of the Court or to the printing or publishing of any matter in a separate volume or part of any *bona fide* series of law reports or in any publication of a technical character *bona fide* intended for circulation among members of the legal or medical professions.

Penalty.

4. Whoever contravenes the provisions of this Act shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both ; and any newspaper, book or document (including all copies thereof) in respect of which an offence has been committed shall also be liable to be forfeited to the State Government.

Jurisdiction to try offences.

5. No Court inferior to that of the Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

Previous sanction.

6. No Court shall take cognisance of an offence under this Act except with the previous sanction of the State Government.

Forfeiture and seizure of newspaper, etc., under section 99A of Criminal Procedure Code.

7. The provisions of section 99A of the Code of Criminal Procedure, 1898, are hereby amended as specified in the Schedule to this Act and the provisions of the said section as amended shall, notwithstanding anything contained in section 4, apply in respect of any newspaper, book or document, which appears to the State Government to contain any matter in contravention of the provisions of this Act. V of 1898.

Operation of other laws.

8. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other law for any act which is an offence under this Act.

SCHEDULE.

(*See* section 7.)

In section 99A of the Code of Criminal Procedure, 1898, after the words "appears to the State Government to contain" the words "in respect of any judicial proceedings any indecent or obscene matter or any indecent or obscene details, whether medical, surgical or physiological, which would be calculated to injure the public morals, or" shall be inserted. V of 1898.

THE BOMBAY BHIL NAIK INAMS ABOLITION ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Act not to apply to certain inams.
4. Abolition of Bhil Naik Inams and resumption of inam villages and lands.
5. Occupancy rights in respect of lands in inam villages and inam lands.
6. Uncultivated and waste lands and all property of the nature specified in section 37 of the Code vests in Government.
7. Method of compensation for abolition, etc. of other rights in lands.
8. Court-fees.
9. Finality of award of Collector and decision of Revenue Tribunal.
10. Inquiries and proceedings to be judicial proceedings.
11. Amount of compensation to be payable in transferable lands.
12. Provisions of Bom. LXVII of 1948 to govern relations of landlord and tenants.
13. Rules.
14. Saving.

BOMBAY ACT No. XXI OF 1955.[1]

[THE BOMBAY BHIL NAIK INAMS ABOLITION ACT, 1955.]

[*3rd June 1955*]

An Act to abolish Bhil Naik Inams prevailing in the districts of West Khandesh and Nasik in the State of Bombay.

WHEREAS it is necessary and expedient in the public interest to abolish the Bhil Naik Inams held for service useful to Government on political considerations in the districts of West Khandesh and Nasik in the State of Bombay and to provide for other incidental and consequential matters hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Bhil Naik Inams Abolition Act, 1955.

(*2*) It extends to the districts of West Khandesh and Nasik in the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*i*) " appointed date " means the date on which this Act comes into force ;

(*ii*) " Bhil Naik Inam " means the grant of a village or land for service useful to Government on political considerations in accordance with the terms and conditions specified in Government Resolution in the Revenue Department, No. 5763, dated the 19th August 1902 and entered in the alienation register kept under section 53 of the Code as " Class VI—Village servants useful to Government " and includes the land granted in Marod village of Navapur taluka under Government order in the Revenue Department No. 288, dated the 11th January 1919 ;

Bom. V of 1879.

(*iii*) " Code " means the Bombay Land Revenue Code, 1879 ;

(*iv*) " Collector " includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

(*v*) " inamdar " means a holder of a Bhil Naik Inam ;

(*vi*) " inam village " or " inam land " means a village or land, as the case may be, held by an inamdar under a Bhil Naik Inam ;

(*vii*) " prescribed " means prescribed by rules made under this Act.

(*2*) The other words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

Act not to apply to certain inams.

3. Nothing in this Act shall apply to—

(*i*) devastan inams or inams held for religious or charitable institutions ; and

(*ii*) inams other than Bhil Naik Inams held for service useful to Government in an inam village or inam land.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, pp. 28-29.

Abolition of Bhil Naik Inams and resumption of inam villages and lands.

4. Notwithstanding any settlement, grant, sanad or order or any law for the time being in force, with effect from and on the appointed date—

(*1*) all Bhil Naik Inams shall be deemed to have been abolished, and

(*2*) any liability to render service and all other incidents appertaining to such inams are hereby extinguished.

(*3*) All inam villages and inam lands are hereby resumed and shall be deemed to be subject to the payment of land revenue under the provisions of the Code and the rules made thereunder and the provisions of the Code and the rules relating to unalienated lands shall apply to such lands.

Occupancy rights in respect of lands in inam villages and inam lands.

5. (*1*) In an inam village and inam land—

(*i*) in the case of land which is not uncultivated on the appointed date and is in the actual possession of an inamdar or in the possession of a person holding through or from him other than an inferior holder referred to in clause (*b*) below, such inamdar, and

(*ii*) in the case of land, which is not uncultivated on the appointed date and is in the possession of an inferior holder on payment of annual assessment only to the inamdar, such inferior holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all obligations in respect of such land as an occupant under the Code or the rules made thereunder or any other law for the time being in force :

Provided that the inamdar, in respect of the land which is in the possession of a person holding through or from him and the inferior holder in respect of the land in his possession shall be entitled to the rights of an occupant on payment to the State Government of such occupancy price as may be fixed by the State Government by special or general order but not exceeding an amount equal to six times the amount of the full assessment of such land within the prescribed period.

(*2*) If the inamdar or the inferior holder fails to pay the occupancy price within the prescribed period he shall be deemed to be unauthorizedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(*3*) The occupancy of the land granted under this section shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may, by general or special order, determine.

Explanation.—For the purposes of this section and section 6, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the appointed date.

Uncultivated and waste lands and all property of the nature specified in section 37 of the Code vests in Government.

6. For the removal of doubt it is hereby declared that all uncultivated and waste lands, whether assessed or unassessed, in an inam village or inam land and all other kinds of property referred to in section 37 of the Code situate in an inam village or inam land, which are not the property of the individuals or of any aggregate of persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be otherwise provided in any law for the time being in force, are, together with all

rights in and over the same or appertaining thereto, the property of the State Government and it shall be lawful to dispose of or set apart the same by the authority and for the purpose provided in section 37 or 38 of the Code, as the case may be.

Method of compensation for abolition, etc. of other rights in land.

7. (*1*) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property such person may apply to the Collector for compensation.

(*2*) An application under sub-section (*1*) shall be made to the Collector in a prescribed form within six months from the appointed date. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894.

I of 1894.

(*3*) Nothing in this section shall entitle any person to compensation on the ground that any land, which was wholly or partially exempt from the payment of land revenue, has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

(*4*) Any person aggrieved by the award of the Collector made under sub-section (*2*) may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, within 60 days from the date of the award.

Bom. XII of 1939.

(*5*) In deciding appeals under sub-section (*4*), the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which the Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908.

V of 1908.

(*6*) In computing the period for filing appeals the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the appeals made under this section.

IX of 1908.

Court-fees.

8. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

VII of 1870.

Finality of award of Collector and decision of Revenue Tribunal.

9. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any court.

Inquiries and proceedings to be judicial proceedings.

10. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

XLV of 1860.

Amount of compensation to be payable in transferable bonds.

11. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

Provisions of Bom. LXVII of 1948 to govern relations of landlord and tenants.

12. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any inam village or inam land or the mutual rights and obligations of a holder and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. Bom. LXVII of 1948.

Rules.

13. The State Government may, subject to the condition of previous publication, make rules for the purpose of carrying out the provisions of this Act. Such rules shall when finally made be published in the *Official Gazette*.

Saving.

14. Nothing in this Act shall be deemed to affect,—

(*a*) any obligation or liability already incurred before the appointed date ; or

(*b*) any proceeding or remedy in respect of such obligation or liability ;

and any such proceeding or remedy may be instituted, continued or enforced as if this Act had not been passed.

THE BOMBAY MERGED TERRITORIES MISCELLANEOUS ALIENATIONS ABOLITION ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Act not to apply to certain kinds of alienations.
4. Abolition of alienations and rights and incidents in respect thereof.
5. Liability of alienated lands to payment of land revenue.
6. Occupancy rights in respect of alienated lands held under community service inam.
7. Occupancy rights in respect of lands held under watan.
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SCHEDULE.

BOMBAY ACT No. XXII OF 1955.[1]

[THE BOMBAY MERGED TERRITORIES MISCELLANEOUS ALIENATIONS ABOLITION ACT, 1955.]

[*3rd June 1955*]

An Act to abolish miscellaneous alienations of various kinds prevailing in the merged territories in the State of Bombay.

WHEREAS certain kinds of alienations prevailing in the merged territories and merged areas have been abolished ;

AND WHEREAS it is expedient in the public interest to abolish the remaining alienations of miscellaneous character prevailing in the merged territories and to provide for matters consequential and incidental thereto ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955.

(*2*) It extends to the merged territories in the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*i*) "alienation" means a grant or recognition as a grant,—

(I) of a village, portion of a village or land to any person, whether such grant be of soil with or without exemption from payment of land revenue or of assignment of the whole or a share of land revenue thereof,

(II) of total or partial exemption from payment of land revenue to a person in respect of any land held by him, or

(III) of cash allowance or allowance in kind to any person by whatever name called,

by the ruling authority for the time being before merger or by the State Government after merger, and includes,—

(*a*) any total or partial exemption from payment of land revenue reserved to himself or enjoyed by a ruler of a former Indian State in respect of any land held by him in his own State before merger as his private property, and

(*b*) Wanta and Giras rights in land or to cash allowances regulated by the rules published under Huzur Cutcherry Notification No. T-3/80 of 1946-47, dated the 24th March 1947 (hereinafter referred to as the Baroda Giras Rules) ;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, p. 350.

(*ii*) "alienated land" means a village or portion of a village or land, as the case may be, held by an alienee under an alienation;

(*iii*) "alienee" means the holder of an alienation and includes his co-sharer recognized as such for the purpose of such alienation;

(*iv*) "appointed date" means the date on which this Act comes into force;

(*v*) "Barkhali land" in relation to a Wanta or Giras means land held as Jiwai, Jat Dharmadaya, Devasthan, Pirasthan, Vechania, Gharania, Pasaita Chakariat, Dharmadaya Chakariat, Jat Pasaita, Kanyadan or Bathamania and treated as permanent alienations or settled under the Baroda Giras Rules;

(*vi*) "Code" means the Bombay Land Revenue Code, 1879; Bom. V of 1879.

(*vii*) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;

(*viii*) "Community service inam" means an alienation held for the purpose of performing service useful to the village community and includes an alienation held for such service even where such service has ceased to be demanded;

(*ix*) "Commutation settlement" means a settlement made or confirmed under the law applicable to a watan relieving the holder, his heirs and successors of the liability to perform the services appertaining to the watan;

(*x*) "Girassia" means the holder of a Wanta or Giras;

(*xi*) "inferior holder" means a person who is in possession of an alienated land not on payment of rent but on payment of assessment in cash or kind to the alienee and includes a person holding such land through or from such person;

(*xii*) "merger" means the cession by the Ruler of a former Indian State of full and exclusive jurisdiction and powers for and in relation to the governance of such State and the transfer of the administration of such State to the State of Bombay under section 290A of the Government of India Act, 1935; 26 Geo. 5 Ch 2.

(*xiii*) "permanent tenant" in relation to a Wanta or Giras means the holder of a Wanta or Giras land or Jiwai land who has a permanent tenancy in such land;

(*xiv*) "prescribed" means prescribed by rules made under this Act;

(*xv*) "Wanta" or "Giras" means land held as Wanta or Giras by a Girassia in accordance with the provisions of the Baroda Giras Rules;

(*xvi*) "watan" means an alienation held as watan appertaining to the office of a village accountant commonly known as Kulkarni or known by any other similar name or as watan appertaining to the office of a District (paragana) Officer commonly known as Sardeshmukh, Deshmukh, Deshpande or Desai or known by any other similar name, whether any commutation settlement in respect of such watan has or has not been effected.

(*2*) The other words or expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

(*3*) References in this Act to the incidents of alienations shall, notwithstanding the abolition of the alienations by this Act, be construed as references to the incidents as they were in force immediately before the appointed date.

(*4*) If any question arises—

(*i*) whether any land is an alienation,

(*ii*) whether any alienation is a grant of soil or an assignment of land revenue or both or is a grant of total or partial exemption from payment of land revenue,

(*iii*) whether any alienation is a community service inam or watan,

(*iv*) whether a commutation settlement in respect of any watan has or has not been effected,

(*v*) whether any land held under an alienation is or is not alienable without the permission of a competent authority,

(*vi*) whether any alienation is hereditary or for the life-time of the alienee, or

(*vii*) whether any person is an inferior holder or a permanent tenant,

the State Government shall decide the question and such decision shall be final:

Provided that the State Government may authorize any officer to decide questions arising under any of the clauses (*i*), (*ii*), (*iii*), (*iv*), (*v*), (*vi*) and (*vii*) and subject to an appeal to the State Government, the decision of such officer shall be final.

Act not to apply to certain kinds of alienations.

3. (*1*) Nothing in this Act shall apply to—

(*a*) Devasthan inams or inams held by religious or charitable institutions;

(*b*) alienations held for service useful to Government other than watan;

(*c*) any pension granted to an ex-servant of a former Indian State in consideration of the service rendered by him to such state;

(*d*) revenue-free sites granted by the ruling authority for the time being before merger for the construction of schools, colleges, hospitals, dispensaries, religious or charitable institutions or other public works from which no profit is intended to be derived;

(*e*) the sums payable under the rules for the settlement of the saranjams of the Feudatory Jagirdars of Kolhapur published in Government Notification in the Political and Services Department No. FCK. 1053, dated the 19th April 1954;

(*f*) the land tenure to which the provisions of any of the enactments specified in the Schedule apply;

(*2*) Where an alienation is held jointly for service appertaining to a watan and for any other service useful to Government then for the purposes of this Act, the State Government shall, after holding such inquiry as it may think fit, decide what portion of such alienation shall be deemed to be an alienation held for service appertaining to a watan and what portion thereof shall be deemed to be an alienation held for any other service useful to Government.

CHAPTER II.

Abolition of alienations and conferment of occupancy rights.

Abolition of alienations and rights and incidents in respect thereof.

4. Notwithstanding anything contained in any usage, settlement, grant, agreement, sanad, order, rule, notification or Vat Hukum or any decree or order of a Court or any law for the time being applicable to any alienation in the merged territories, with effect from and on the appointed date—

(*i*) all alienations shall be deemed to have been abolished;

(*ii*) save as expressly provided by or under this Act all rights legally subsisting on the said date in respect of such alienations and all other incidents of such alienations shall be deemed to have been extinguished.

Liability of alienated lands to payment of land revenue.

5. Subject to the other provisions of this Act all alienated lands are and shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder and the provisions of the Code and rules relating to unalienated lands shall apply to such lands.

Occupancy rights in respect of alienated lands held under community service inam.

6. In the case of an alienated land held under a community service inam—

(*a*) if such land is in the actual possession of the alienee or in possession of a person holding through or from him other than an inferior holder, such alienee, and

(*b*) if such land is in the possession of an inferior holder, such inferior holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of the land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or the rules made thereunder:

Provided that if under the terms of the alienation such land is resumable for non-performance of service, the alienee or inferior holder, as the case may be, shall be entitled to the rights of an occupant in respect of such land on payment to the State Government of the occupancy price equal to six times the amount of the full assessment of such land within the prescribed period:

Provided further that if such land under the terms of alienation was not alienable except with the permission of a competent authority, such land shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Occupancy rights in respect of lands held under watan.

7. All land held under a watan is hereby resumed and shall be regranted to the holder in accordance with the following provisions, namely :—

(*1*) in the case of a watan, if the commutation settlement permits the transfer of the land appertaining to such watan, the land shall be regranted to the holder without payment of any occupancy price;

(*2*) in the case of a watan, to which clause (1) does not apply, the land appertaining to the watan shall be regranted to the holder on payment of the occupancy price equal to twelve times the amount of the full assessment of such land within the prescribed period:

Provided that in respect of the land held under a watan which has not been assigned towards the emoluments of the person performing the service appertaining to the watan, occupancy price equal to six times the amount of the full assessment of such land shall be paid by the holder within the aforesaid period for its regrant;

(*3*) the occupancy of the land regranted under clause (2) shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Explanation.—For the purpose of this section, the expression "holder" shall include—

(*1*) an alienee holding land under a watan, and

(*2*) in the case of a watan the commutation settlement in respect of which permits the transfer of the land appertaining to the watan, a person in whom the ownership of such land for the time being vests.

What persons to be occupants in Wanta or Giras.

8. (*1*) In a Wanta or Giras,—

(*i*) in the case of land other than Barkhali land—

(*a*) if such land is in the actual possession of the Girassia or in the possession of a person other than a permanent tenant, holding through or from the Girassia, such Girassia, and

(*b*) if such land is in the possession of a permanent tenant, such permanent tenant,

(*ii*) in the case of Barkhali land, held as Jiwai land,—

(*a*) if such land is in the actual possession of the holder thereof (hereinafter referred to as the Jiwaidar) or in the possession of a person other than a permanent tenant holding through or from the Jiwaidar, such Jiwaidar, and

(*b*) if such land is in the possession of a permanent tenant, such permanent tenant, and

(*iii*) in the case of any other Barkhali land other than Devasthan and Pirasthan land or land held for service useful to Government, the holder of such land,

shall be primarily liable to the State Government for the payment of land revenue due in respect of the land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or the rules made thereunder :

Provided that in the case of the land referred to in sub-clause (*b*) of clause (*i*) and sub-clause (*b*) of clause (*ii*), the permanent tenant shall be entitled to the rights of an occupant on payment in the prescribed manner to the Girassia or Jiwaidar, as the case may be, of the occupancy price equivalent to six times the amount of the full assessment of such land :

Provided further that in the case of Barkhali land referred to in clause (*iii*), if such land was held as Dharmadaya Chakariat or Pasaita Chakariat and was not a permanent alienation within the meaning of the Baroda Giras Rules, the holder of such land shall be entitled to the rights of an occupant on payment to the State Government of the occupancy price equivalent to six times the amount of the full assessment of such land.

(*2*) The occupancy of land conferred on the holder of a Dharmadaya Chakariat or Pasaita Chakariat land which was not a permanent alienation within the meaning of the Baroda Giras Rules shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Occupancy rights in respect of alienated land to which section 6, 7 or 8 does not apply.

9. In the case of an alienated land to which the provisions of section 6, 7 or 8 do not apply,

(*a*) if such land is in the actual possession of the alienee or is in the possession of a person holding through or from him other than an inferior holder, such alienee, and

(*b*) if such land is in the possession of an inferior holder, such inferior holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of the land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or the rules made thereunder :

Provided that if in respect of an alienated land the alienation consists of the grant of the soil with or without exemption from payment of land revenue, the alienee or the inferior holder, as the case may be, shall be entitled to the rights of an occupant in respect of such land on payment to the State Government of the occupancy price equal to six times the amount of the full assessment of such land within the prescribed period :

Provided further that if under the terms of the alienation such land was not alienable except with the permission of a competent authority, the occupancy of the land shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Effect of failure to pay occupancy price.

10. (*1*) If any person, who is liable to pay to the State Government the occupancy price in respect of any land under section 6, 7, 8 or 9, fails to pay the same within the prescribed period, he shall be deemed to be unauthorizedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(*2*) If any person, who is liable to pay to the Girassia or Jiwaidar, as the case may be, the occupancy price in respect of any land under section 8, fails to pay the same within the prescribed period, it shall be recoverable as an arrear of land revenue and the amount so recovered shall be paid to the Girassia or Jiwaidar, as the case may be.

All public roads, etc., situate in alienated land to vest in Government.

11. All public roads, lanes and paths, the bridges, ditches, dikes and fences, on, or beside, the same, the bed of the sea and of harbours, creeks below high water mark, and of rivers, streams, nallas, lakes, wells and tanks, and all canals, and water courses, and all standing and flowing water, and all unbuilt village site lands, all waste lands and all uncultivated lands (excluding lands used for building or other non-agricultural purposes) which are situate within the limits of any alienated land shall, except in so far as any rights of any person other than the alienee may be established in or over the same and except as may otherwise be provided by any law for the time being in force, vest in, and shall be deemed to be with all rights in or over the same or appertaining thereto the property of, the State Government and all rights held by an alienee in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the State Government, to dispose them of as he deems fit, subject always to the rights of way and other rights of the public or of individuals legally subsisting.

Explanation.—For the purposes of this section, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the appointed date.

XVI of 1927. **12.** The rights to trees specially reserved under the Indian Forest Act, 1927, or any other law for the time being in force, except those the ownership of which has been transferred by the State Government under any contract, grant or law for the time being in force shall vest in the State Government and nothing in this Act shall in any way affect the rights of the State Government to apply the provisions of the Indian Forest Act, 1927, as in force in the State of Bombay to forests in an alienated land. XVI of 1927. Rights to trees.

13. Nothing in this Act or any other law for the time being in force shall be deemed to affect the rights of any alienee subsisting on the appointed date to mines or mineral products in alienated land granted or recognised under any contract, grant or law for the time being in force or by custom or usage. Right to mines or mineral products.

CHAPTER III.

Compensation and Award thereof.

14. (*1*) In the case of an alienation consisting of assignment of the whole or part of the land revenue of any land or village— Compensation in respect of alienation consisting of assignment of land revenue.

(*i*) if the alienation was continuable as hereditary without being subjected to any deduction or cut at the time of each succession, a sum equal to seven times the amount of such land revenue,

(*ii*) if the alienation was continuable as hereditary but subject to a deduction or cut at the time of each succession, a sum equal to five times the amount of such land revenue, and

(*iii*) if the alienation was continuable for the life time of the alienee, a sum equal to three times the amount of such land revenue,

shall be paid to the alienee as compensation for the abolition of the alienation.

(*2*) For the purpose of sub-section (*1*), the amount of land revenue shall be the amount received or due to the alienee on account of assignment of land revenue for the year immediately preceding the appointed date.

15. (*1*) In the case of an alienation consisting of a cash allowance or allowance in kind, the alienee shall be paid— Compensation in respect of allowances in cash or kind.

(*i*) seven times the amount of the cash allowance or of the value of the allowance in kind, as the case may be, if the alienation was hereditary without being subjected to deduction or cut at the time of each succession ;

(*ii*) five times the amount of the cash allowance or the value of the allowance in kind, as the case may be, if the alienation was hereditary but subject to a deduction or cut at the time of each succession ; or

(*iii*) three times the amount of cash allowance or the value of the allowance in kind, as the case may be, if the alienation was continuable for the life-time of the alienee :

Provided that if under the terms of a grant any such cash allowance or allowance in kind was received by a widow for the purpose of her maintenance, it shall be continued to such widow for her life-time.

(*2*) For the purpose of sub-section (*1*), the amount of cash allowance shall be the amount paid or payable to the alienee for the year immediately preceding the appointed date and the value of the allowance in kind shall be the value of the allowance in kind paid or payable to the alienee for the year immediately preceding the appointed date, such value being determined in the prescribed manner.

Compensation in respect of property referred to in section 11.

16. Any alienee having any right or interest in any property referred to in section 11 shall, if he proves to the satisfaction of the Collector that he had any such right or interest, be entitled to compensation in the following manner, namely :—

(*i*) if the property in question is waste or uncultivated but is cultivable land, the amount of compensation shall not exceed three times the assessment of the land :

Provided that if the land has not been assessed, the amount of compensation shall not exceed such amount of assessment as would be leviable in the same village on the same extent of similar land used for the same purpose ;

(*ii*) if the property in question is land over which the public has been enjoying or has acquired a right of way or any individual has any right of easement, the amount of compensation shall not exceed the amount of the annual assessment leviable in the village for uncultivated land in accordance with the rules made under the Code or if such rules do not provide for the levy of such assessment, such amount as in the opinion of the Collector shall be the market value of the right or interest held by the claimant ;

(*iii*) if there are any trees or structures on the land, the amount of compensation shall be the market value of such trees or structures, as the case may be.

Explanation.—For the purposes of this section, the "market value" shall mean the value as estimated in accordance with the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894, in so far as the said provisions may be applicable. I of 1894.

Method of awarding compensation to alienee.

17. (*1*) Any alienee entitled to compensation under section 14, 15 or 16 shall within the prescribed period apply in writing to the Collector for determining the amount of compensation payable to him under the said section.

(*2*) On receipt of an application under sub-section (*1*), the Collector shall after making formal enquiry in the manner provided by the Code, make an award determining the amount of compensation. Where there are co-sharers claiming compensation, the Collector shall by his award apportion the compensation between the co-sharers.

Method of awarding compensation for abolition, etc., of rights of other person in property.

18. (*1*) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property and if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act, such person may apply to the Collector for compensation.

(2) The application under sub-section (1) shall be made to the Collector in the prescribed form within the prescribed period. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894.

I of 1894.

(3) Nothing in this section shall entitle any person to compensation on the ground that any alienated land which was wholly or partially exempt from payment of land revenue has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

Provisions of Land Acquisition Act, 1894, applicable to award.

19. Every award made under section 17 or 18 shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894, and the provisions of the said Act shall, so far as may be, apply to the making of such award.

I of 1894.

Appeal against Collector's award.

20. An appeal shall lie against an award of the Collector to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, notwithstanding anything contained in the said Act.

Bom. XII of 1939.

Procedure before Revenue Tribunal.

21. (1) The Bombay Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision.

(2) In deciding an appeal under this Act the Bombay Revenue Tribunal shall exercise all the powers which a Court has and shall follow the same procedure which a Court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908.

V of 1908.

Limitation.

22. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal.

IX of 1908.

Court-fees.

23. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

VII of 1870.

Finality of award and decision of Revenue Tribunal.

24. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

Inquiries and proceedings to be judicial proceedings.

25. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

XLV of 1860.

Amount of compensation to be payable in transferable bonds.

26. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

CHAPTER IV.

Miscellaneous.

Alienees to deliver records to authorized officers.

27. (*1*) Whenever an officer authorized by the State Government in this behalf so directs, an alienee shall deliver to him or such other officer as may be specified in the direction, the records relating to the alienated land maintained by the alienee.

(*2*) If the alienee fails without reasonable cause to deliver any such records, he shall, on conviction, be punished with fine which may extend to two hundred rupees. In the case of a continuing failure to deliver any such records the alienee shall be punished with an additional fine which may extend to twenty-five rupees for every day during which such failure continues after conviction for the first such failure.

Provisions of Bom. LXVII of 1948 to govern the relations of landlord and tenants.

28. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any alienated land or the mutual rights and obligations of a landlord and his tenants save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. Bom. LXVII of 1948.

Rules.

29. The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules shall, when finally made, be published in the *Official Gazette*.

Saving.

30. Nothing contained in this Act shall affect,—

(*1*) any obligation or liability already incurred under an incident of an alienation before the date on which this Act comes into force, or

(*2*) any proceeding or remedy in respect of such obligation or liability,

and any such proceeding or remedy may be instituted, continued or enforced as if this Act had not been passed.

SCHEDULE.

(*See* section 3.)

1. The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953 (Bom. XLIII of 1953).
2. The Bombay Kauli and Katuban Tenures (Abolition) Act, 1953 (Bom. XLIV of 1953).
3. The Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953 (Bom. XLV of 1953).
4. The Bombay Merged Territories (Baroda Watan Abolition) Act, 1953 (Bom. XLVI of 1953).
5. The Bombay Merged Territories Matadari Tenure Abolition Act, 1953 (Bom. XLVIII of 1953).
6. The Bombay Merged Territories (Janjira and Bhor) Khoti Tenure Abolition Act, 1953 (Bom. LXXI of 1953).
7. The Bombay (Okhamandal Salami Tenure Abolition) Act, 1953 (Bom. I of 1954).
8. The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (Bom. XXXIX of 1954).

THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1955.

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6. Insertion of new section 80-A in Act XVI of 1927.

* BOMBAY ACT No. XXIV OF 1955.[1]

[THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1955.]

[*22nd June 1955*]

An Act further to amend the Indian Forest Act, 1927, in its application to the State of Bombay.

XVI of 1927. WHEREAS it is expedient further to amend the Indian Forest Act, 1927, in its application to the State of Bombay, for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Indian Forest (Bombay Amendment) Act, 1955. Short title.

XVI of 1927. **2.** In section 2 of the Indian Forest Act, 1927 (hereinafter referred to as "the said Act"), in sub-clause (*a*) of clause (4), after the word "kuth" the words ", apta and temburni leaves" shall be inserted. Amendment of section 2 of Act XVI of 1927.

3. In section 28 of the said Act,— Amendment of section 28 of Act XVI of 1927.

(*1*) in sub-section (*1*), after the word "village-community" the words and figures ", village panchayat established under the Bombay Village Panchayats Act, 1933, or co-operative society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925," shall be inserted ; Bom. VI of 1933. Bom. VII of 1925.

(*2*) in sub-section (*2*), after the word "community" the words ", panchayat or society" shall be inserted.

4. In section 35 of the said Act,— Amendment of section 35 of Act XVI of 1927.

(*1*) in sub-section (*3*), after the words "until after the issue" the words "by an officer authorised by the State Government in that behalf" shall be inserted ;

(*2*) after sub-section (*3*), the following sub-sections shall be added, namely :—

"(*4*) A notice to show cause why a notification under sub-section (*1*) should not be made, may require that for any period not exceeding six months, or till the date of the making of a notification, whichever is earlier, the owner of such forest and all persons who are entitled or permitted to do therein any or all of the things specified in clause (*i*) of sub-section (*1*), whether by reason of any right, title or interest or under any licence or contract or otherwise, shall not, after the date of the notice and for the period or until the date aforesaid, as the case may be, do any or all the things specified in clause (*i*) of sub-section (*1*), to the extent specified in the notice.

(*5*) A notice issued under sub-section (*3*) shall be served on the owner of such forest in the manner provided in the Code of Civil Procedure, 1908, for the service of summons and shall also be published in the manner prescribed by rules. V of 1908.

(*6*) Any person contravening any requisition made under sub-section (*4*) in a notice to show cause why a notification under sub-section (*1*) should not be made shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both."

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, pp. 38-39.

Insertion of new sections 36-A, 36-B and 36-C in Act XVI of 1927.

5. After section 36 of the said Act, the following new sections shall be inserted, namely :—

Manner of serving notice and order under section 36.

"36-A. The notice referred to in sub-section (*1*) of section 36 and the order, if any, made placing a forest under the control of a Forest-officer shall be served on the owner of such forest in the manner provided in the Code of Civil Procedure, 1908, for the service of summons. V of 1908.

Period of control.

36-B. (*1*) The period of such control of any forest shall be for ten years from the date of the order aforesaid; but such period may thereafter be extended for successive periods of not more than ten years each:

Provided that the period of such control shall not in the aggregate exceed 30 years from the date of the order.

(*2*) The Forest-officer, under whose control the forest is placed, shall, not later than six months before the expiry of any period referred to in sub-section (*1*), make a report regarding such control and shall state therein whether in his opinion, any period of control should be extended.

(*3*) After considering any such report and subject to sub-section (*1*), the State Government shall decide whether to extend any period of control or whether to terminate it in the manner provided in the next succeeding section.

(*4*) No period of control shall be extended unless the owner has been given reasonable opportunity of showing cause against such extension.

Termination of control.

36-C. (*1*) If the State Government decides to terminate any period of control of any forest, it shall, by order published in the *Official Gazette* and in such other manner as may be prescribed by rules, so declare; and thereupon possession of the forest shall be given to the owner, or if the owner be dead, to any person entitled to such possession, together with any sum of money which may be standing to the credit of such owner.

(*2*) All acts done or purported to be done by the Forest-officer in respect of any forest placed under his control, during the period of such control or of any extension thereof, shall be binding on the owner of such forest or any person to whom possession of the forest has been delivered under this section."

Insertion of new section 80-A in Act XVI of 1927.

6. After section 80 of the said Act, the following section shall be inserted, namely :—

Power of Government to apply provisions of this Act to certain lands of Government or local authority.

"80-A. The State Government may, by notification in the *Official Gazette*, declare that any of the provisions of this Act shall apply to all or any lands on the banks of canals or the sides of roads which are the property of the State Government or a local authority and thereupon such provisions shall apply to such lands accordingly."

THE BOMBAY TOWN PLANNING ACT, 1954.

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[*Price*—Annas 5 or 6d.]

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SCHEDULE.

BOMBAY ACT No. XXVII OF 1955.[1]

[THE BOMBAY TOWN PLANNING ACT, 1954.]

[*5th August 1955*]

An Act to consolidate and amend the law for the making and execution of town planning schemes.

WHEREAS in order to ensure that town planning schemes are made in a proper manner and their execution is made effective, it is necessary to provide that a local authority shall prepare a development plan for the entire area within its jurisdiction ;

AND WHEREAS it is necessary and expedient to consolidate and amend the law relating to town planning for the aforesaid and other purposes hereinafter appearing ; It is hereby enacted in the Fifth Year of the Republic of India as follows :—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Town Planning Act, 1954.

(*2*) It shall extend to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) " Consulting Surveyor " means the officer appointed as the Consulting Surveyor to the Government of Bombay ;

(*2*) " development plan " means a plan for the development or redevelopment or improvement of the entire area within the jurisdiction of a local authority prepared under section 3 ;

(*3*) " land " includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth ;

Bom. III of 1888. Bom. LIX of 1949. Bom. XVIII of 1925. Bom. III of 1901.

(*4*) " local authority " means a municipal corporation constituted under the Bombay Municipal Corporation Act, or the Bombay Provincial Municipal Corporations Act, 1949, or a municipality constituted under the Bombay Municipal Boroughs Act, 1925, or the Bombay District Municipal Act, 1901, and includes also—

Bom. III of 1901.

(*a*) a committee appointed for a notified area under the Bombay District Municipal Act, 1901, which is permitted in this behalf by the State Government to exercise the powers of a local authority under this Act ;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1954, Part V, p. 232.

(*b*) a panchayat constituted under the Bombay Village Panchayats Act, 1933, which is permitted in this behalf by the State Government to exercise the powers of a local authority under this Act; Bom. VI of 1933.

(*5*) "owner" includes any person for the time being receiving or entitled to receive whether on his own account or as agent, trustee, guardian, manager or receiver for another person or for any religious or charitable purpose, the rents or profits of the property in connection with which it is used;

(*6*) "plot" means a continuous portion of land held in one ownership;

(*7*) "preliminary scheme" means a scheme relating to a town planning scheme prepared by the Town Planning Officer under section 45;

(*8*) "prescribed" means prescribed by rules or orders made under this Act;

(*9*) "reconstituted plot" means a plot which is in any way altered by the making of a town planning scheme;

Explanation.—"altered" includes alteration of ownership;

(*10*) "scheme" includes a plan relating to a town planning scheme.

CHAPTER II.

Development Plans.

Development plan.

3. (*1*) As soon as may be after the coming into force of this Act, subject however to the provisions of this Act, every local authority shall carry out a survey of the area within its jurisdiction and shall, not later than four years from the date on which this Act comes into force, prepare and publish in the prescribed manner a development plan and submit it to the State Government for sanction.

(*2*) Subject to the provisions of this Act, every local authority constituted after the coming into force of this Act shall, as soon as may be, carry out a survey of the area within its jurisdiction and shall, not later than four years from the date of such constitution, prepare and publish in the prescribed manner the development plan for the area within its jurisdiction and submit it for the sanction of the State Government.

(*3*) On application made by any local authority referred to in sub-section (*1*) or (*2*), the State Government may from time to time by order in writing extend for adequate reasons the aforesaid period by such period as it thinks fit.

(*4*) If the development plan is not prepared, published and submitted to the State Government for sanction by any local authority within the period specified in sub-section (*1*) or (*2*) or within the period so extended under sub-section (*3*), as the case may be, the State Government may, after carrying out the necessary survey of the areas and consulting the Consulting Surveyor, prepare and publish in the prescribed manner such plan and recover the cost thereof from the local authority out of its funds, notwithstanding anything contained in any law relating to the said fund.

(*5*) Notwithstanding anything contained in sub-section (*4*),—

(*i*) if any local authority has prepared a plan for the development of the area within its jurisdiction before the date of the coming into force of this Act, it may submit the same to the State Government for sanction within a period of six months from the said date and the plan so sanctioned shall, notwithstanding anything contained in this Act, be deemed to be the development plan for the area;

(*ii*) if any local authority is converted into, or amalgamated with, any other local authority or is sub-divided into two or more local authorities, the development plan prepared for the area by the local authority so converted, amalgamated or sub-divided shall, with such alterations and modifications, as the State Government may approve, be deemed to be the development plan for the area of the new local authority or local authorities into or with which the former local authority was converted, amalgamated or sub-divided.

Declaration of intention of making development plan.

4. (*1*) A local authority before carrying out a survey of the area referred to in sub-sections (*1*) and (*2*) of section 3 for the purpose of preparing a development plan for such area shall make a declaration of its intention to prepare a development plan and shall despatch a copy thereof to the State Government for publication in the *Official Gazette* and shall publish it in the prescribed manner for inviting suggestions from the public within a period of two months :

Provided that the development plan may be prepared and published by the State Government under sub-section (*4*) of section 3 without making a declaration of intention as aforesaid.

(*2*) A copy of the development plan shall be sent to the State Government and another copy shall be open to the inspection of the public at all reasonable hours at the head office of the local authority.

Manner of preparing development plan.

5. The development plan shall be on a scale not smaller than 800 feet to an inch and shall define in distinguishing colours the area or sites and the users to which they will be put.

Power of entry for carrying out survey for preparing development plan.

6. For the purpose of carrying out a survey and the preparation of a development plan, any person authorized by the State Government or the local authority or any public servant or person duly authorized or appointed under this Act may, after giving such notice as may be prescribed to the owner, occupier or other person interested in the land, enter upon, survey and mark out such land and do all things necessary for such purpose.

Contents of development plan.

7. A development plan shall generally indicate the manner in which the development and improvement of the entire area within the jurisdiction of the local authority are to be carried out and regulated. In particular it shall contain the following proposals, namely :—

(*a*) proposals for designating the use of the land for the purposes such as (1) residential, (2) industrial, (3) commercial, and (4) agricultural;

(*b*) proposals for designation of land for public purposes such as parks, playgrounds, recreation grounds, open spaces, schools, markets or medical, public health or physical culture institutions ;

(*c*) proposals for roads and highways;

(*d*) proposals for the reservation of land for the purposes of the Union, any State, any local authority or any other authority established by law in India ; and

(*e*) such other proposals for public or other purposes as may from time to time be approved by a local authority or directed by the State Government in this behalf.

Submission of development plan and other information to Government.

8. The following particulars shall be published and submitted to the State Government along with the development plan :—

(*i*) a report of the surveys carried out by the local authority before the preparation of the development plan ;

(*ii*) a report explaining the provisions of the development plan ;

(*iii*) regulations enforcing the provisions of the development plan, and explaining the manner in which necessary permission for developing any land can be obtained from the local authority ;

(*iv*) a report of the stages by which it is proposed to meet the obligations imposed on the local authority by the development plan ;

(*v*) an approximate estimate of the cost involved in the acquisition of lands reserved for public purposes.

Suggestions to development plan to be considered.

9. If within two months from the date of publication of the development plan any member of the public communicates in writing to the local authority any suggestion relating to such plan, the local authority shall consider such suggestion and may, at any time before submitting the development plan to the State Government, modify such plan as it thinks fit.

Power of Government to sanction development plan.

10. (*1*) The State Government may, after consulting the Consulting Surveyor, by notification in the *Official Gazette*, sanction the development plan submitted to it either without modification or subject to such modification as it considers expedient within the time prescribed.

(*2*) The State Government shall fix in such notification a date not earlier than one month after the publication of such notification on which the final development plan shall come into force.

(*3*) If the development plan contains any proposal for the designation of any land for a purpose specified in clause (*b*) or (*e*) of section 7 and if such land does not vest in the local authority, the State Government shall not include the said purpose in the development plan unless it is satisfied that the local authority concerned shall be able to acquire such land by private agreement or compulsory purchase within a period of ten years from the date on which the final development plan comes into force.

Acquisition of land.

11. (*1*) The local authority may acquire any land designated in the development plan for a purpose specified in clause (*b*), (*c*), (*d*) or (*e*) of section 7 either by agreement or under the Land Acquisition Act, 1894. I of 1894.

(*2*) If the land is acquired under the Land Acquisition Act, 1894, the provisions of the said Act as amended by the Schedule to this Act shall apply to the determination of compensation for the acquisition of such land. I of 1894.

(*3*) If the designated land is not acquired by agreement within ten years from the date specified under sub-section (*3*) of section 10 or if proceedings under the Land Acquisition Act, 1894, are not commenced within such period, the owner or any person interested in the land may serve notice to the local authority and if within six months from the date of the service of such notice the land is not acquired or no steps as aforesaid are commenced for its acquisition, the designation shall be deemed to have lapsed. I of 1894.

12. On or after the date on which a declaration of intention to prepare a development plan is published under sub-section (*1*) of section 4 in respect of any area, no person shall carry on any development work in any building or in or over any land within the limits of the said area without the permission of the local authority which shall be contained in a commencement certificate granted by the local authority in the form prescribed.

Restrictions on development work after publication of declaration of intention under section 4 (*1*).

Explanation.—For the purpose of this section,—

(*a*) the expression "development" means the carrying out of building or other operation in or over or under any land or the making of any material change in the use of any building or other land ;

(*b*) the following operations or uses of land shall not be deemed to involve the development of any building or land, namely :—

(*i*) the carrying out of works for the maintenance, improvement or other alteration of any building being works which affect only the interior of the building or which do not materially affect the external appearance of the building;

(*ii*) the carrying out of works in compliance with any order or direction made by any authority under any law for the time being in force ;

(*iii*) the carrying out of works by any authority in exercise of its powers under any law for the time being in force ;

(*iv*) the use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such ;

(*v*) when the normal use of land which was being temporarily used for another purpose on the day on which the declaration of intention to prepare the development plan is published under sub-section (*1*) of section 4 is resumed ;

(*vi*) when land was normally used for one purpose and also on occasions for another purpose, the use of the land for that other purpose on similar occasions.

13. (*1*) The local authority on receipt of the application for permission shall at once furnish the applicant with a written acknowledgment of its receipt and after inquiry may either grant or refuse a commencement certificate :

Permission for development of building or land.

Provided that such certificate may be granted subject to such general or special conditions as the State Government may by order made in this behalf direct.

(*2*) If the local authority does not communicate its decision to the applicant within three months from the date of such acknowledgment, such certificate shall be deemed to have been granted to the applicant.

(*3*) Subject to the provisions of sections 14 and 15, no compensation shall be payable for the refusal of or the insertion or imposition of conditions in the commencement certificate.

(*4*) If any person does any work on, or makes any use of, any property in contravention of section 12 or of sub-section (*1*) of this section, the local authority may direct such person by notice in writing to stop any such work in progress or discontinue any such use ; and may, after making an inquiry in the prescribed manner, remove or pull down any such work and restore the land to its original condition or, as the case may be, take any measures to stop such use.

(*5*) Any expenses incurred by the local authority under sub-section (*4*) shall be a sum due to the local authority under this Act from the person in default or the owner of the land.

Supplementary provision as to grant of permission.

14. The power to grant necessary permission for a change of user of land shall include the power to grant permission for the retention on land of any building or work constructed or carried out thereon before the date of the publication of the declaration of intention to prepare a development plan under sub-section (*1*) of section 4 or for the continuance of any use of land instituted before that date.

Obligation to purchase land on refusal of permission in certain cases.

15. (*1*) Where permission for change of user of land of the kind referred to in section 14 is refused or is granted subject to the conditions, then if any owner of the land claims—

(*a*) that the land has become incapable of reasonable beneficial use in its existing state, or

(*b*) in a case where permission for such use is granted subject to conditions that the land cannot be rendered capable of reasonable beneficial use by carrying out the conditions of the permission,

he may, within the time and in the manner prescribed by regulations made by the local authority, serve on the local authority a notice (hereinafter referred to as a purchase notice) requiring the local authority to purchase his interest in the land in accordance with the provisions of this section.

(*2*) Where a purchase notice is served on a local authority under this section, the local authority shall forthwith transmit a copy of the notice to the State Government and the State Government shall, if it is satisfied that the conditions specified in paragraph (*a*) or (*b*) of sub-section (*1*), as the case may be, are fulfilled, confirm the notice, and thereupon the local authority shall be deemed to be authorized to acquire the interest of the owner compulsorily in accordance with the provisions of this Act, and to have served a notice to acquire in respect thereof on such date as the State Government may direct.

(*3*) If within the period of six months from the date on which the purchase notice is served under this section the State Government has not confirmed the notice, the notice shall be deemed to be confirmed at the expiration of that period, and the local authority on which the notice was served shall be deemed to be authorized to acquire the interest of the owner compulsorily in accordance with the provisions of this Act at the expiration of the said period.

(*4*) The provisions of section 81 shall, so far as may be, apply in relation to the compulsory acquisition of interest of the owner of land under this section as they apply in relation to land needed for a public purpose under this Act.

Sanction for sub-division of plot or lay-out of private street.

16. (*1*) Every person who intends to sub-divide his plot or make or lay out a private street on or after the date of the publication of the declaration of intention to prepare the development plan shall submit the layout plan together with the prescribed particulars to the local authority for sanction.

(*2*) The local authority may, within the prescribed period, sanction such plan either without modifications or subject to such modifications and conditions as it considers expedient, or may refuse to give sanction, if the local authority is of opinion that such division or laying out is not in any way consistent with the proposals of the development plan.

(*3*) No compensation shall be payable for the refusal or the insertion, imposition or modification of conditions in the grant of sanction.

(*4*) If any person does any work in contravention of sub-section (*1*) or in contravention of the modifications and conditions of the sanction granted under sub-section (*2*) or despite refusal for the sanction under the said sub-section (*2*), the local authority may direct such person by notice in writing to stop any work in progress, and after making an inquiry in the prescribed manner remove or pull down any work or restore the land to its original condition.

(5) Any expenses incurred by the local authority under sub-section (4) shall be a sum due to the local authority under this Act from the person in default.

Revision of development plan.

17. At least once in every ten years from the date on which the last development plan came into force, the local authority may, and if so required by the State Government after the date on which a development plan for any area has come into force shall, carry out a fresh survey of the area within its jurisdiction with a view to revising the existing development plan and the provisions of sections 4 to 16 (both inclusive) shall, so far as they can be made applicable, apply in respect of such revision of the development plan.

CHAPTER III.

Making of Town Planning Scheme.

Making and contents of town planning scheme.

18. Subject to the provisions of this Act or any other law for the time being in force,—

(1) a local authority for the purpose of implementing the proposals in the final development plan may make one or more town planning schemes for the area within its jurisdiction or any part thereof;

(2) such town planning scheme may make provisions for any of the following matters:—

(a) the laying out or re-laying out of land, either vacant or already built upon;

(b) the filling up or reclamation of lowlying, swamp or unhealthy areas or levelling up of land;

(c) lay out of new streets or roads; construction, diversion, extension, alteration, improvement and stopping up of streets, roads and communications;

(d) the construction, alteration and removal of buildings, bridges and other structures;

(e) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets, green belts and dairies, transport facilities and public purposes of all kinds;

(f) drainage inclusive of sewerage, surface or sub-soil drainage and sewage disposal;

(g) lighting;

(h) water supply;

(i) the preservation of objects of historical or national interest or natural beauty and of buildings actually used for religious purposes;

(j) the imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the percentage of building area for a plot, the number, size, height and character of buildings allowed in specified areas, the purposes to which buildings or specified areas may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable users of land in any area in reasonable periods, parking space and loading and unloading space for any building and the sizes of projections and advertisement signs;

(k) the suspension, so far as may be necessary for the proper carrying out of the scheme, of any rule, by-law, regulation, notification or order made or issued under any Act of the State Legislature or any of the Acts which the State Legislature is competent to amend;

(l) such other matter not inconsistent with the objects of this Act as may be prescribed.

Disputed ownership.

19. (*1*) Where there is a disputed claim as to the ownership of any piece of land included in an area in respect of which the local authority has declared under section 22 its intention to make a town planning scheme and any entry in the record-of-rights or mutation register relevant to such disputed claim is inaccurate or inconclusive, an inquiry may be held on an application being made by the local authority or the Town Planning Officer at any time prior to the date on which the Town Planning Officer draws up the final scheme under sub-section (*1*) of section 32, by such officer as the State Government may appoint for the purpose of deciding who shall be deemed to be the owner for the purposes of this Act.

(*2*) Such decision shall not be subject to appeal but it shall not operate as a bar to a regular suit.

(*3*) Such decision shall, in the event of a Civil Court passing a decree which is inconsistent therewith, be corrected, modified or rescinded in accordance with such decree as soon as practicable after such decree has been brought to the notice of the local authority either by the Civil Court or by some person affected by such decree.

Right of entry.

20. For the purpose of the making or execution of any town-planning scheme, any person authorized by the local authority or any public servant or person duly appointed or authorized under this Act, may, after giving such notice as may be prescribed to the owner, occupier or other person interested in any land, enter upon, survey and mark out such land and do all acts necessary for such purpose.

CHAPTER IV.

Declaration of intention to make a scheme and making of a draft scheme.

Land in respect of which town planning scheme may be made.

21. (*1*) A town planning scheme may be made in accordance with the provisions of this Act in respect of any land which is—

(*i*) in course of development,
(*ii*) likely to be used for building purposes, or
(*iii*) already built upon.

(*2*) The expression "land likely to be used for building purposes" shall include any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreation grounds, parking spaces, or for the purpose of executing any work upon or under the land incidental to a town planning scheme, whether in the nature of a building work or not.

Power of local authority to resolve on declaration of intention to make scheme.

22. (*1*) A local authority having jurisdiction over any such land as is referred to in section 21 may by resolution declare its intention to make a town planning scheme in respect of the whole or any part of such land.

(*2*) Within twenty-one days from the date of such declaration (hereinafter referred to as the declaration of intention to make a scheme), the local authority shall publish it in the prescribed manner and shall despatch a copy thereof to the State Government.

(*3*) The local authority shall send a plan showing the area which it proposes to include in the town planning scheme to the State Government.

(*4*) A copy of the plan shall be open to the inspection of the public at all reasonable hours at the head office of the local authority.

23. (*1*) Within 12 months from the date of the declaration of intention to make a scheme the local authority shall make in consultation with the Consulting Surveyor a draft scheme for the area in respect of which the declaration has been made and publish the same in the prescribed manner: **Making and publication of draft scheme.**

Provided that on application by the local authority in that behalf, the State Government may from time to time, by a notification in the *Official Gazette*, extend the aforesaid period by such period as may be specified not exceeding six months in all.

(*2*) If the draft scheme is not made and published by the local authority within the period specified in sub-section (*1*) or within the period so extended under that sub-section, the State Government or an officer authorised by the State Government in this behalf may make and publish in the prescribed manner a draft scheme for the area in respect of which the declaration of intention to make a scheme has been made by the local authority within a further period of nine months from the date of the expiry of the extended period.

(*3*) If such publication is not made by the State Government within the further period specified in sub-section (*2*), the declaration of intention to make such scheme shall lapse, and until a period of three years has elapsed from the date of such declaration it shall not be competent to the local authority to declare its intention to make any town-planning scheme for the same area or for any part of it.

24. (*1*) Notwithstanding anything contained in sections 22 and 23, the State Government may, in respect of any local authority after making such inquiry as it deems necessary, by notification published in the prescribed manner require the local authority to make and publish in the prescribed manner and submit for its sanction a draft scheme in respect of any land in regard to which a town-planning scheme may be made. **Power of State Government to require local authority to make scheme.**

(*2*) For the purposes of this Act and the rules made thereunder, the requisition under sub-section (*1*) by the State Government shall be deemed to be the declaration of intention to make a scheme under section 22.

25. The draft scheme shall contain the following particulars :— **Contents of draft scheme.**

(*a*) the area, ownership and tenure of each original plot;

(*b*) the land allotted or reserved under sub-clause (e) of clause (2) of section 18 with a general indication of the uses to which such land is to be put and the terms and conditions subject to which such land is to be put to such uses;

(*c*) the extent to which it is proposed to alter the boundaries of original plots;

(*d*) an estimate of the net cost of the scheme to be borne by the local authority;

(*e*) a full description of all details of the scheme under such sub-clauses of clause (2) of section 18 as may be applicable;

(*f*) the laying out or re-laying out of land either vacant or already built upon;

(*g*) the filling up or reclamation of lowlying, swamp or unhealthy areas or levelling up of land; and

(*h*) any other prescribed particulars.

26. (*1*) In the draft scheme the size and shape of every reconstituted plot shall be determined, so far as may be, to render it suitable for building purposes and where the plot is already built upon, to ensure that the building as far as possible complies with the provisions of the scheme as regards open spaces. **Reconstituted plot.**

(2) For the purpose of sub-section (1), the draft scheme may contain proposals,—

(a) to form a reconstituted plot by the alteration of the boundaries of an original plot;

(b) to form a reconstituted plot by the transfer wholly or partly of the adjoining lands;

(c) to provide with the consent of the owners that two or more original plots each of which is held in ownership in severalty or in joint ownership shall hereafter, with or without alteration of boundaries, be held in ownership in common as a reconstituted plot;

(d) to allot a plot to any owner dispossessed of land in furtherance of the scheme; and

(e) to transfer the ownership of a plot from one person to another.

(3) Where under sub-clause (j) of clause (2) of section 18, the purposes to which buildings or areas may not be appropriated have been specified, the building shall cease to be used for the purpose other than the purposes specified in the scheme within such time as may be specified in the final scheme and the person affected by the provision shall be entitled to compensation from the local authority in the manner and according to the method prescribed:

Provided that in ascertaining such compensation the time within which the person affected was permitted to change the user shall be taken into consideration.

Objections to draft scheme to be considered.

27. If within one month from the date of publication of the draft scheme any person affected by such scheme communicates in writing to the local authority any objection relating to such scheme, the local authority shall consider such objection and may, at any time before submitting the draft scheme to the State Government as hereinafter provided, modify such scheme as it thinks fit.

Power of State Government to sanction scheme.

28. (1) The local authority shall within four months from the date of its publication in the *Official Gazette* submit the draft scheme with any modifications which it may have made therein together with the objections which may have been communicated to it to the State Government and shall at the same time apply for its sanction.

(2) After receiving such application and after making such inquiry as it may think fit and after consulting the Consulting Surveyor, the State Government may, within six months from the date of its submission, by notification in the *Official Gazette*, either sanction such scheme with or without modifications and subject to such conditions as it may think fit to impose or refuse to give sanction.

(3) If the State Government sanctions such scheme, it shall in such notification state at what place and time the draft scheme shall be open to the inspection of the public.

Restrictions after declaration for town planning schemes.

29. (1) On or after the date on which the local authority's declaration of intention to make a scheme under section 22 or the notification issued by the State Government under section 24 is published in the *Official Gazette*,—

(a) no person shall within the area included in the scheme erect or proceed with any building or work or remove, pull down, alter, make additions to, or make any substantial repair to any building, part of a building, a compound wall or any drainage work or remove any earth, stone or material, or sub-divide any land, or change the user of any land or building unless such person has applied for and obtained the necessary permission which shall be contained in a commencement certificate granted by the local authority in the form prescribed;

(*b*) the local authority on receipt of such application shall at once furnish the applicant with a written acknowledgment of its receipt and—

(*i*) in the case of a local authority other than a municipal corporation, after inquiry and in consultation with the Town Planning Officer, if any, appointed under section 31, or

(*ii*) in the case of a municipal corporation, after inquiry,

may either grant or refuse such certificate or grant it subject to such conditions as the local authority may, with the previous approval of the State Government, think fit to impose. If a municipal corporation gives permission under this clause either without or with conditions, it shall inform the Town Planning Officer accordingly and shall send to him a plan and a copy of conditions imposed, if any. If the local authority communicates no decision to the applicant within three months from the date of such acknowledgment, the applicant shall be deemed to have been granted such certificate;

(*c*) if any person contravenes the provisions contained in clause (*a*) or clause (*b*), the local authority may direct such person by notice in writing to stop any work in progress, and after making inquiry in the prescribed manner, remove, pull down or alter any building or other work or restore the land in respect of which such contravention is made to its original conditions;

(*d*) any expenses incurred by the local authority under clause (*c*) shall be a sum due to the local authority under this Act from the person in default or the owner of the plot;

(*e*) any diminution in the value of an original plot occasioned by any contravention of clause (*a*) or clause (*b*) shall, notwithstanding anything contained in sections 64, 65 and 66, be taken into account in fixing the market value of such plot.

(*2*) No person shall be entitled to compensation in respect of any damage, loss or injury resulting from any action taken by the local authority under the provisions of this section or of section 55 except in respect of a building or work begun or a contract entered into before the date on which the local authority published a declaration of intention to make a scheme or the State Government published a notification under sub-section (*1*) of section 24 and only in so far as such building or work has proceeded at the time of the publication of the declaration of intention to make a scheme or the publication of the notification under sub-section (*1*) of section 24:

Provided that such claim to compensation in the excepted cases shall be subject to the conditions of any agreement entered into between such person and the local authority.

(*3*) The restrictions imposed by this section shall cease to operate in the event of the State Government refusing to sanction the draft scheme or the final scheme or in the event of the withdrawal of the scheme under section 52.

Power of State Government to suspend rule, by-law, etc.

30. (*1*) When a local authority has published a declaration of intention to make a scheme or the State Government has published a notification under sub-section (*1*) of section 24, the State Government may, by order published in the *Official Gazette*, suspend to such extent only as may be necessary for the proper carrying out of the scheme any rule, by-law, regulation, notification or order made or issued under any Act of the State Legislature or any of the Acts which the State Legislature is competent to amend.

(*2*) Any order issued under sub-section (*1*) shall cease to operate in the event of the State Government refusing to sanction the final scheme, or in the event of the withdrawal of the scheme under section 52, or in the event of the coming into force of the final scheme.

CHAPTER V.

The Town Planning Officer and the Board of Appeal.

Appointment of Town Planning Officer

31. (*1*) Within one month from the date on which the sanction of the State Government to the draft scheme is published in the *Official Gazette*, the State Government shall appoint a Town Planning Officer with sufficient establishment whose duties shall be as hereinafter provided.

(*2*) The State Government may, if it thinks fit, at any time, remove for incompetence or misconduct or any other good and sufficient reason a Town Planning Officer appointed under this section and shall forthwith appoint another person to take his place and any proceedings pending before the Town Planning Officer immediately before the date of his removal shall be continued and disposed of by the new Town Planning Officer appointed in his place.

Duties of Town Planning Officer.

32. (*1*) In accordance with the prescribed procedure the Town Planning Officer shall,—

(*i*) after notice given by him in the prescribed manner, define and demarcate the areas allotted to, or reserved, for a public purpose or purpose of the local authority and the reconstituted plots;

(*ii*) after notice given by him in the prescribed manner, determine, in the case in which a reconstituted plot is to be allotted to persons in ownership in common, the shares of such persons;

(*iii*) fix the difference between the total of values of the original plots and the total of the values of the plots included in the final scheme, in accordance with the provisions contained in clause (*f*) of sub-section (*1*) of section 64;

(*iv*) determine whether the areas used, allotted or reserved for a public purpose or purpose of the local authority are beneficial wholly or partly to the owners or residents within the area of the scheme;

(*v*) estimate the portion of the sums payable as compensation on each plot used, allotted or reserved for a public purpose or purpose of the local authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public, which shall be included in the costs of the scheme;

(*vi*) calculate the contribution to be levied on each plot used, allotted or reserved for a public purpose or purpose of the local authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public;

(*vii*) determine the amount of exemption, if any, from the payment of the contribution that may be granted in respect of plots exclusively occupied for the religious or charitable purposes;

(*viii*) estimate the increment to accrue in respect of each plot included in the final scheme in accordance with the provisions contained in section 65;

(*ix*) calculate the proportion in which the increment of the plots included in the final scheme shall be liable to contribution to the costs of the scheme in accordance with the provisions contained in section 66;

(*x*) calculate the contribution to be levied on each plot included in the final scheme;

(*xi*) determine the amount to be deducted from, or added to, as the case may be, the contribution leviable from a person in accordance with the provisions contained in section 67;

(*xii*) provide for the total or partial transfer of any right in an original plot to a reconstituted plot or provide for the extinction of any right in an original plot in accordance with the provisions contained in section 68;

(*xiii*) estimate in reference to claims made before him, after the notice given by him in the prescribed manner, the compensation to be paid to the owner of any property or right injuriously affected by the making of a town-planning scheme in accordance with the provisions contained in section 69;

(*xiv*) draw in the prescribed form the final scheme in accordance with the draft scheme:

Provided that—

(*a*) he may make variation from the draft scheme;

(*b*) any variation estimated by him to involve an increase of 10 per centum in the costs of the scheme as is described in section 64 or rupees one lakh, whichever is lower, shall require the sanction of the State Government:

Provided further that the Town Planning Officer shall make no substantial variation without the consent of the local authority and without hearing any objections which may be raised by the owners concerned.

(*2*) If there is any difference of opinion between the Town Planning Officer and the local authority whether variation made by the Town Planning Officer is substantial or not, the matter shall be referred by the local authority to the State Government whose decision shall be final and conclusive.

(*3*) The Town Planning Officer appointed for any draft scheme shall decide all matters referred to in sub-section (*1*) within a period of twelve months from the date of his appointment:

Provided that the State Government may from time to time by order in writing extend the said period by such further period as may be specified in the order.

Certain decisions of Town Planning Officer to be final.

33. Except in matters arising out of clauses (*v*), (*vi*), (*viii*), (*ix*), (*x*) and (*xiii*) of sub-section (*1*) of section 32, every decision of the Town Planning Officer shall be final and conclusive and binding on all persons.

Appeal.

34. Any decision of the Town Planning Officer under clauses (*v*), (*vi*), (*viii*), (*ix*), (*x*) and (*xiii*) of sub-section (*1*) of section 32 shall be forthwith communicated to the party concerned and any party aggrieved by any such decision, may, within one month from the date of the communication of the decision, appeal to the Board of Appeal constituted under section 35.

Constitution of Board of Appeal.

35. (*1*) The Board of Appeal shall consist of a President and two Assessors.

(*2*) The President shall, in Greater Bombay, be the Principal Judge of the City Civil Court, Bombay, or such other Judge of the said Court as may be appointed by the State Government on the recommendation of the Principal Judge and, elsewhere be the District Judge.

(*3*) The President shall appoint fit and proper persons as Assessors.

(*4*) The President and the Assessors shall be appointed members of the Board of Appeal for such period as may be required by such Board to decide an appeal made against the decision under clauses (*v*), (*vi*), (*viii*), (*ix*), (*x*) and (*xiii*) of sub-section (*1*) of section 32.

(*5*) The State Government may, if it thinks fit, remove for incompetence or misconduct or any other good and sufficient reason an Assessor appointed under sub-section (*3*).

(*6*) If any Assessor is removed or dies or refuses or neglects to act or becomes incapable of acting, the authority who appointed such Assessor shall appoint forthwith a fit and proper person to take the place of such Assessor.

Town Planning Officer to assist Board in advisory capacity and his remuneration.

36. (*1*) The Town Planning Officer shall be present at the proceedings before the Board of Appeal. He shall not be required to give evidence in such proceedings but the President may require him to assist the Board in an advisory capacity.

(*2*) When the Town Planning Officer is required under sub-section (*1*) to assist the Board of Appeal he shall, save where he is a salaried officer of Government, be entitled to such fees as the State Government may from time to time determine.

Place where Board may sit.

37. The Board of Appeal may sit either at the headquarters of the President or at any other place within the local limits of his jurisdiction which he may deem convenient for the consideration and decision of any matter before such Board.

Right to appear by recognised agent.

38. Every party to any proceeding before the Board of Appeal shall be entitled to appear either in person or by his recognised agent.

Decision of questions of law and other questions.

39. All questions of law and procedure shall be decided by the President. All other questions shall be decided by the President and the two Assessors or by a majority of them.

Powers of Board to decide matters finally.

40. (*1*) After making such inquiry as it may think fit, the Board of Appeal may either direct the Town Planning Officer to reconsider his proposals, or accept, modify, vary or reject the proposals of the Town Planning Officer and shall decide all matters arising out of clauses (*v*), (*vi*), (*viii*), (*ix*), (*x*) and (*xiii*) of sub-section (*1*) of section 32.

(*2*) Every decision of the Board of Appeal shall be final and conclusive and binding on all persons.

Board not to be Court.

41. Nothing contained in this Act shall be deemed to constitute the Board of Appeal to be a Court.

Remuneration of Town Planning Officer and Assessors and payment of incidental expenses of Board.

42. (*1*) The Assessors shall, save where they are salaried Government officers, be entitled to such remuneration, either by way of monthly salary or by way of fees or partly in one way and partly in the other, as the State Government may, from time to time, determine.

(*2*) The salary of the President of the Board of Appeal or an Assessor who is a salaried Government officer, and any remuneration payable under sub-section (*1*) and fees payable to a Town Planning Officer under sub-section (*2*) of section 36 and all expenses incidental to the working of the Board of Appeal shall, unless the State Government otherwise determines, be defrayed out of the funds of the local authority and shall be added to the costs of the scheme.

Decision of Town Planning Officer to be final in certain matters and variation of scheme in view of decision in appeal.

43. (*1*) Where no appeal has been made under section 34, the decision of the Town Planning Officer under clauses (*v*), (*vi*), (*viii*), (*ix*), (*x*) and (*xiii*) of sub-section (*1*) of section 32 shall be final and binding on the parties.

(*2*) The Board of Appeal shall send a copy of its decision in appeal to the Town Planning Officer who shall then, if necessary, make variation in the scheme in accordance with such decision and shall forward the final scheme together with a copy of his decision under section 32 and a copy of the decision of the Board of Appeal in appeal to the State Government for the sanction of the final scheme.

CHAPTER VI.

Splitting up of schemes into sections and preliminary schemes.

44. After a Town Planning Officer has been appointed under section 31, the local authority may apply to him to split up the draft scheme into different sections and to deal with each section separately as if each section were a separate draft scheme. The Town Planning Officer may, after making such inquiry as he thinks fit, split up the draft scheme into sections. Thereafter the provisions of this Act and the rules made thereunder shall, so far as may be, apply to each of such sections as if it were a separate draft scheme.

Powers of Town Planning Officer to split up draft scheme into separate sections.

45. If a draft scheme or if any of the sections of a draft scheme contains any of the following works—

(*i*) construction or alteration of bridges,

(*ii*) roads, open spaces, gardens and recreation grounds,

(*iii*) drainage, inclusive of sewage, surface drainage and sewage disposal,

(*iv*) water supply,

(*v*) any other work which in the opinion of the Town Planning Officer is for a public purpose,

the Town Planning Officer shall, on the application of the local authority, prepare in regard to such scheme or section in the prescribed manner a preliminary scheme in accordance with the provisions of section 32:

Provided that it shall not be necessary for the Town Planning Officer at this stage to exercise the powers referred to in clauses (*iii*), (*iv*), (*v*), (*vi*), (*vii*), (*viii*), (*ix*), (*x*), (*xi*), (*xiii*) and (*xiv*) of sub-section (*1*) of section 32.

Town Planning Officer to prepare preliminary scheme.

46. (*1*) Where a local authority thinks that, in the interest of the public, it is necessary to undertake forthwith any of the works referred to in section 45 and included in a preliminary scheme, the local authority shall make an application through the Town Planning Officer to the State Government to vest in it the land shown in the preliminary scheme.

Power to hand over possession of land required for bridges, roads, etc.

(*2*) The State Government, if satisfied that it is urgently necessary in the public interest to empower the local authority to enter on the land for the purpose of executing any of the works aforesaid, may direct the Town Planning Officer by notification in the *Official Gazette* to take possession of the land and may also fix the period during which the execution of the said works shall be completed:

Provided that the period so fixed may for sufficient reasons be extended from time to time.

(*3*) The Town Planning Officer shall then give a notice in the prescribed manner to the person interested in the land the possession of which is to be taken by the Town Planning Officer requiring him to give possession of his land to the Town Planning Officer or any person authorized by him in this behalf within a period of one month from the date of service of notice and if no possession is delivered within the period specified in the notice, the Town Planning Officer shall take possession of the land and shall hand over the land to the local authority. Such land shall thereupon, notwithstanding anything contained in section 51, vest absolutely in the local authority free from all encumbrances.

47. (*1*) If the Town Planning Officer is opposed or impeded in taking possession of the land under section 46, he shall request, in Greater Bombay, the Commissioner of Police, and elsewhere, the District Magistrate to enforce the delivery of possession of the land to the Town Planning Officer. The Commissioner

Commissioner or Magistrate to enforce delivery of possession of land.

or the District Magistrate, as the case may be, shall take or cause to be taken such steps and use or cause to be used such force as may be reasonably necessary for securing the delivery of possession of the land to the Town Planning Officer.

(*2*) For the avoidance of doubt, it is hereby declared that the power to take steps under sub-section (*1*) includes the power to enter upon any land or other property whatsoever.

Owner of land of which possession is taken entitled to interest.

48. The owner of the land the possession of which is taken by the Town Planning Officer under section 46 or 47 shall be entitled to an interest at the rate of 4 per cent. per annum on the amount of compensation payable to him under this Act in respect of the said land from the date on which such possession is taken till the date on which the final scheme in which such land is included comes into force or till the land is restored to the owner under section 50, as the case may be.

Application of Chapter to pending schemes.

49. Notwithstanding anything contained in this Act, it shall be lawful to any local authority to apply to the Town Planning Officer for the splitting up of any pending scheme into sections or for the preparation of a preliminary scheme in respect thereof; and on such application being made, the aforesaid provisions shall, so far as may be, apply to such scheme.

Explanation.—For the purposes of this section, a pending scheme shall mean a scheme in respect of which a declaration of its intention to make a scheme has been made by a local authority under the corresponding provisions of the Bombay Town Planning Act, 1915, but in respect of which the final scheme has not been forwarded to the State Government for sanction under section 40 of the said Act. Bom. I of 1915.

Compensation for land vested in local authority under section 46 and restoration of such land in certain cases.

50. If the local authority has not executed any works on the land for which the land was vested in the local authority under section 46 within the period fixed under sub-section (*2*) of the said section, the Town Planning Officer shall make or tender to the owner or the person interested in the land such compensation for the damage, if any, done to the land as he may think reasonable and shall restore the land to the owner or person interested therein.

Final scheme.

51. (*1*) The State Government may, within a period of three months from the date of receipt of the final scheme under section 43 from the Town Planning Officer, by notification in the *Official Gazette*, sanction the scheme or refuse to give such sanction, provided that in sanctioning the scheme the State Government may make such modifications as may in its opinion be necessary for the purposes of correcting an error, irregularity or informality.

(*2*) If the State Government sanctions such scheme, it shall state in the notification—

(*a*) the place at which the final scheme is kept open to inspection by the public;

(*b*) the price at which copies may be obtained;

(*c*) a date (which shall not be earlier than one month after the date of the publication of the notification) on which all the liabilities created by the scheme shall take effect and the final scheme shall come into force:

Provided that the State Government may from time to time postpone such date, by notification in the *Official Gazette*, by such period, not exceeding three months at a time, as it thinks fit.

(*3*) On and after the date fixed in such notification a town-planning scheme shall have effect as if it were enacted in this Act.

Withdrawal of scheme.

52. If at any time before the final scheme is forwarded by the Town Planning Officer to the State Government, a representation is made to the Town Planning Officer by the local authority and a majority of the owners in the area that the scheme should be withdrawn, the Town Planning Officer shall, after inviting from all persons interested in the scheme objections to such representation, forward such representation together with the objections, if any, to the State Government. After making such inquiry as it may think fit, the State Government may, by notification in the *Official Gazette*, direct that the scheme shall be withdrawn and upon such withdrawal no further proceedings shall be taken in regard to such scheme.

Effect of final scheme

53. On the day on which the final scheme comes into force,—

(*a*) all lands required by the local authority shall, unless it is otherwise determined in such scheme, vest absolutely in the local authority free from all encumbrances;

(*b*) all rights in the original plots which have been re-constituted shall determine and the re-constituted plots shall become subject to the rights settled by the Town Planning Officer.

Power of local authority to evict summarily

54. On and after the day on which the final scheme comes into force any person continuing to occupy any land which he is not entitled to occupy under the final scheme may, in accordance with the prescribed procedure, be summarily evicted by the local authority.

Power to enforce scheme.

55. (*1*) On and after the day on which the final scheme comes into force the local authority may after giving the prescribed notice and in accordance with the provisions of the scheme—

(*a*) remove, pull down, or alter any building o rother work in the area included in the scheme which is such as to contravene the scheme or in the erection or carrying out of which any provision of the scheme has not been complied with;

(*b*) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the local authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

(*2*) Any expenses incurred by the local authority under this section may be recovered from the persons in default or from the owner of the plot in the manner provided for the recovery of sums due to the local authority under the provisions of this Act.

(*3*) If any question arises as to whether any building or work contravenes a town planning scheme, or whether any provision of a town-planning scheme is not complied with in the erection or carrying out of any such building or work, it shall be referred to the State Government or any officer authorized by the State Government in this behalf and the decision of the State Government or of the officer, as the case may be, shall be final and conclusive and binding on all persons.

Power to vary scheme on ground of error, irregularity or informality.

56. (*1*) If after the final scheme has come into force, the local authority considers that the scheme is defective on account of an error, irregularity or informality, the local authority may apply in writing to the State Government for the variation of the scheme.

(*2*) If on receiving such application or otherwise, the State Government is satisfied that the variation required is not substantial, the State Government shall publish a draft of such variation in the prescribed manner.

(*3*) The draft variation published under sub-section (*2*) shall state every amendment proposed to be made in the scheme, and if any such amendment relates to a matter specified in any of the sub-clauses (*a*) to (*h*) of clause (2) of section 18 the draft variation shall also contain such other particulars as may be prescribed.

(*4*) The draft variation shall be open to the inspection of the public at the office of the local authority during office hours.

(*5*) Within one month of the date of publication of the draft variation, any person affected thereby may communicate in writing his objections to such variation to the State Government through the Collector and send a copy thereof to the local authority.

(*6*) After receiving the objections under sub-section (*5*) the State Government may, after consulting the local authority and after making such inquiry as it may think fit, by notification in the *Official Gazette*,—

(*a*) appoint a Town Planning Officer and thereupon the provisions contained in Chapter V shall, so far as may be, apply to such draft variation, as if it were a draft scheme sanctioned by the State Government, or a scheme sanctioned by the State Government, or

(*b*) make the variation with or without modifications, or

(*c*) refuse to make the variation.

(*7*) From the date of the notification making the variation, with or without modifications, such variation shall take effect as if it were incorporated in the scheme.

Power to vary or revoke town planning scheme.

57. (*1*) Notwithstanding anything contained in section 56 a town-planning scheme may at any time be varied or revoked by a subsequent scheme made, published and sanctioned in accordance with this Act.

(*2*) The State Government—

(*i*) on the application of the local authority, or

(*ii*) of its own motion, after making such inquiry as it deems fit and after giving the local authority an opportunity to be heard,

may at any time, by notification in the *Official Gazette*, revoke a town-planning scheme, if it is satisfied that under the special circumstances of the case the scheme should be so revoked.

Compensation when final scheme is varied or revoked.

58. If at any time after the day on which the final scheme has come into force such scheme is varied or revoked, any person who has incurred expenditure for the purpose of complying with such scheme shall be entitled to receive compensation from the local authority, in so far as any such expenditure is rendered abortive by reason of the variation or revocation of such scheme.

Apportionment of costs of scheme withdrawn, not sanctioned or revoked.

59. In the event of a town-planning scheme being withdrawn or sanction to a final scheme being refused by the State Government or a final scheme being revoked, the State Government may direct that the costs of the scheme shall be borne by the local authority or be paid to the local authority by the owners concerned, in such proportion as the State Government may in each case determine.

60. Every party to any proceeding before the Town Planning Officer shall be entitled to appear either in person or by his recognized agent. **Right to appear by recognized agent.**

61. For the purposes of this Act, an officer appointed under sub-section (*1*) of section 19, or a Town Planning Officer or the Board of Appeal may summon and enforce the attendance of witnesses including the parties interested or any of them and compel them to give evidence and compel the production of documents by the same means and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure, 1908. **Power to compel attendance of witnesses.**

V of 1908.

CHAPTER VII.

Joint Town Planning Schemes.

62. (*1*) When two or more local authorities are of opinion that the interests of contiguous areas within their respective jurisdictions can best be served by the making of a joint town planning scheme, and the State Government agrees with such opinion, a joint Town Planning Board shall be constituted. **Joint town-planning schemes.**

(*2*) Such Board shall consist of representatives of each of the several local authorities and of persons nominated by the State Government.

(*3*) The representatives of the several local authorities shall be elected in the prescribed manner.

(*4*) Such Board, when duly constituted, shall make a declaration of the intention to make a joint town planning scheme in respect of the contiguous areas in the manner provided in section 22 ; and thereafter the Board shall have all the powers and be liable to all the duties of a local authority under this Act and all the provisions in respect of procedure shall apply so far as may be applicable.

(*5*) The draft joint town-planning scheme shall specify the parts of the scheme to be executed by the several local authorities in the several contiguous areas and the several parts of the scheme shall, when notified in the final scheme, have effect in the several contiguous areas as if they are separate schemes :

Provided that any part of a joint town planning scheme may be executed jointly by two or more local authorities.

63. A joint Town Planning Board may, by order in writing, direct that all or any of the powers conferred on it by sections 29, 54 and 55 shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised by such officer as the joint Town Planning Board may specify in the order. **Delegation of certain powers of local authority and joint Town Planning Board.**

CHAPTER VIII.

Finance.

64. (*1*) The costs of a town planning scheme shall include— **Costs scheme.**

(*a*) all sums payable by the local authority under the provisions of this Act, which are not specifically excluded from the costs of the scheme ;

(*b*) all sums spent or estimated to be spent by the local authority in the making and in the execution of the scheme;

(*c*) all sums payable as compensation for land reserved or designated for any public purpose or purpose of the local authority which is solely beneficial to the owners or residents within the area of the scheme;

(*d*) such portion of the sums payable as compensation for land reserved or designated for any public purpose or purpose of the local authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public, as is attributable to the benefit accruing to the owners or residents within the area of the scheme from such reservation or designation;

(*e*) all legal expenses incurred by the local authority in the making and in the execution of the scheme;

(*f*) any amount by which the total of the values of the original plots exceeds the total of the values of the plots included in the final scheme, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme with all the buildings and works thereon at that date and without references to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

(*2*) If in any case the total of the values of the plots included in the final scheme exceeds the total of the values of the original plots, each of such plots being estimated in the manner provided in clause (*f*) of sub-section (*1*), then the amount of such excess shall be deducted in arriving at the costs of the scheme as defined in sub-section (*1*).

Calculation of increment.

65. For the purposes of this Act the increments shall be deemed to be the amount by which at the date of the declaration of intention to make a scheme the market value of a plot included in the final scheme estimated on the assumption that the scheme has been completed would exceed at the same date the market value of the same plot estimated without reference to improvements contemplated in the scheme:

Provided that in estimating such values the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration.

Contribution towards costs of scheme.

66. (*1*) The costs of the scheme shall be met wholly or in part by a contribution to be levied by the local authority on each plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot by the Town Planning Officer:

Provided that—

(*i*) no such contribution shall exceed half the increment estimated by the Town Planning Officer to accrue in respect of such plot;

(*ii*) where a plot is subject to a mortgage with possession or to a lease the Town Planning Officer shall determine in what proportion the mortgagee or lessee on the one hand and the mortgagor or lessor on the other hand shall pay such contribution;

(*iii*) no such contribution shall be levied on a plot used, allotted or reserved for a public purpose or purpose of the local authority which is solely for the benefit of owners or residents within the area of the scheme; and

(*iv*) the contribution levied on a plot used, allotted or reserved for a public purpose or purpose of the local authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public shall be calculated in proportion to the benefit estimated to accrue to the general public from such use, allotment or reservation.

(*2*) The owner of each plot included in the final scheme shall be primarily liable for the payment of the contribution leviable in respect of such plot.

Certain amount to be added to or deducted from contribution leviable from a person.

67. The amount by which the total value of the plots included in the final scheme with all the buildings and works thereon allotted to a person falls short of or exceeds the total value of the original plots with all the buildings and works thereon of such person shall be deducted from or added to, as the case may be, the contributions leviable from such person, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme or the date of a notification under sub-section (*1*) of section 24 and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

Transfer of right from original to reconstituted plot or extinction of such right.

68. Any right in an original plot which in the opinion of the Town Planning Officer is capable of being transferred wholly or in part, without prejudice to the making of a town-planning scheme to a re-constituted plot shall be so transferred and any right in an original plot which in the opinion of the Town Planning Officer is not capable of being so transferred shall be extinguished:

Provided that an agricultural lease shall not be transferred from an original plot to a reconstituted plot without the consent of all the parties to such lease.

Compensation in respect of property or right injuriously affected by scheme.

69. The owner of any property or right which is injuriously affected by the making of a town planning scheme shall, if he makes a claim before the Town Planning Officer within the prescribed time, be entitled to obtain compensation in respect thereof from the local authority or from any person benefited or partly from the local authority and partly from such person as the Town Planning Officer may in each case determine:

Provided that the value of such property or right shall be held to be its market value at the date of the declaration of intention to make a scheme or the date of a notification under sub-section (*1*) of section 24 without reference to improvements contemplated in the scheme.

Exclusion or limitation of compensation in certain cases.

70. (*1*) No compensation shall be payable in respect of any property or private right of any sort which is alleged to be injuriously affected by reason of any provisions contained in the town planning scheme, if under any other law for the time being in force applicable to the area for which such scheme is made no compensation is payable for such injurious affection.

(*2*) Property or a private right of any sort shall not be deemed to be injuriously affected by reason of any provision inserted in a town planning scheme which, with a view to securing the amenity of the area included in such scheme or any part thereof, imposes any conditions and restrictions in regard to any of the matters specified in sub-clause (*j*) of clause (2) of section 18.

Provision for case in which amount payable to owner exceeds amount due from him.

71. If the owner of an original plot is not provided with a plot in the final scheme or if the contribution to be levied from him under section 66 is less than the total amount to be deducted therefrom under any of the provisions of this Act, the net amount of his loss shall be payable to him by the local authority in cash or in such other way as may be agreed upon by the parties.

Provision for case in which value of developed plot is less than amount payable by owner.

72. (*1*) If from any cause the total amount which would be due to the local authority under the provisions of this Act from the owner of a plot to be included in the final scheme exceeds the value of such plot estimated on the assumption that the scheme has been completed, the Town Planning Officer shall, at the request of the local authority, direct the owner of such plot to make payment to the local authority of the amount of such excess.

(*2*) If such owner fails to make such payment within the prescribed period the Town Planning Officer shall, if the local authority so requests, acquire the original plot of such defaulter and apportion the compensation among the owner and other persons interested in the plot on payment by the local authority of the value of such plot estimated at its market value at the date of the declaration of intention to make a scheme or the date of a notification under sub-section (*1*) of section 24 and without reference to improvements contemplated in the scheme; and thereupon the plot included in the final scheme shall vest absolutely in the local authority free from all encumbrances but subject to the provisions of this Act:

Provided that the payment made by the local authority on account of the value of the original plot shall not be included in the costs of the scheme.

Payment by adjustment of account.

73. All payments due to be made to any person by the local authority under this Act shall, as far as possible, be made by an adjustment in such person's account with the local authority in respect of the plot concerned or of any other plot in which he has an interest and failing such adjustment shall be paid in cash or in such other way as may be agreed upon by the parties.

Payment of net amount due to local authority.

74. (*1*) The net amount payable under the provisions of this Act by the owner of a plot included in the final scheme may at the option of the contributor be paid in one sum or annual instalments not exceeding ten. If the owner elects to pay the amount by instalments, interest at 4½ per cent. per annum shall be charged on the net amount payable. If the owner of a plot fails to elect the option on or before the date specified in a notice issued to him in that behalf by the local authority, he shall be deemed to have elected the option of paying contribution by instalments and the interest on the contribution shall be calculated from the date specified in the notice, being the date before which he was required to make an election as aforesaid.

(*2*) Where two or more plots included in the final scheme are in the same ownership, the net amount payable by such owner under the provisions of this Act shall be distributed over his several plots in proportion to the increment which is estimated to accrue in respect of each plot unless the owner and the local authority agree to a different method of distribution.

Power of local authority to make agreements.

75. (*1*) A local authority shall be competent to make any agreement with any person in respect of any matter which is to be provided for in a town planning scheme subject to the power of the State Government to modify or disallow such agreement and unless it is otherwise expressly provided therein, such

agreement shall take effect on and after the day on which the town planning scheme comes into force.

(2) Such agreement shall not in any way affect the duties of the Town Planning Officer as described in Chapter V or the rights of third parties but it shall be binding on the parties to the agreement notwithstanding any decision that may be passed by the Town Planning Officer:

Provided that if the agreement is modified by Government, either party shall have the option of avoiding it if it so elects.

Recovery of arrears.

76. (1) Any sum due to the local authority under this Act or any regulation made thereunder shall be a first charge on the plot on which it is due, subject to the prior payment of land revenue, if any, due to the Government thereon.

(2) Any sum due to the local authority under this Act or any regulation made thereunder which is not paid on demand on the day on which it becomes due or on the day fixed by the local authority shall be recoverable by the local authority by distress and sale of the goods and chattel of the defaulter, as if the amount thereof were a property tax due by the said defaulter.

(3) In lieu of the recovery of the dues of the local authority in the manner provided in sub-section (2) or after recovering part of the dues of the local authority in the manner provided in sub-section (2) any sum due or the balance of any sum due, as the case may be, by such defaulter may be recovered from him by a suit in any court of competent jurisdiction.

Powers of local authority to borrow money for development plan or for making or executing town pla-

77. (1) A local authority may, for the purpose of a development plan or the making or execution of a town planning scheme, borrow loans in accordance with the provisions of the Act under which the local authority is constituted or if such Act does not contain any provision for such borrowing, in accordance with the Local Authorities Loans Act, 1914. IX of 1914.

(2) Any expenses incurred by a local authority or the State Government under this Act or in connection with a development plan or a town-planning scheme may be defrayed out of the funds of the local authority.

Offences and penalties.

78. Whoever—

(a) does any work in contravention of section 12,

(b) contravenes the conditions of the commencement certificate granted under sub-section (1) of section 13 or of the sanction granted under sub-section (2) of section 16,

(c) does any work inspite of the refusal to grant a commencement certificate under sub-section (1) of section 13 or sanction under sub-section (2) of section 16,

(d) does any work in contravention of clause (a) or (b) of sub-section (1) of section 29,

shall, on conviction, be punished with fine which may extend to Rs. 1,000 and the Court shall, in such order of conviction, direct that if such contravention continues after the date of the order of conviction, a fine not exceeding Rs. 50 per day for the period during which the contravention continues shall be recovered from the person so convicted :

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, the fine shall not be less than two hundred rupees and in the case of a continuing contravention of the provisions, the fine shall not be less than twenty-five rupees.

CHAPTER IX.

Miscellaneous.

Bar of legal proceedings.

79. No suit or other legal proceedings shall be maintained against the State Government, the local authority or any public servant or person duly appointed or authorised under this Act, in respect of anything in good faith done or purporting to be done under the provisions thereof or the rules made thereunder.

Registration of documents, plan or map in connection with final scheme not required.

80. (*1*) Nothing in the Indian Registration Act, 1908, shall be deemed to require the registration of any document, plan or map prepared, made or sanctioned in connection with a final scheme which has come into force and which has not been revoked. XVI of 1908.

(*2*) All such documents, plans and maps shall, for the purposes of sections 48 and 49 of the Indian Registration Act, 1908, be deemed to have been and to be registered in accordance with the provisions of that Act : XVI of 1908.

Provided that documents, plans and maps relating to the sanctioned scheme shall be accessible to the public in the manner prescribed.

Compulsory acquisition of land needed for purpose of town planning scheme or development plan.

81. Land needed for the purpose of a town-planning scheme or development plan shall be deemed to be land needed for a public purpose within the meaning of the Land Acquisition Act, 1894. I of 1894.

Vesting of property and rights of local authority ceasing to exist or ceasing to have jurisdiction.

82. When any local authority ceases to exist or ceases to have jurisdiction over any area included in a town-planning scheme, the property and rights vested in such local authority under this Act shall, subject to all charges and liabilities affecting the same, vest in such other local authority or authorities as the State Government may, with the consent of such authority or authorities, by notification in the *Official Gazette*, direct ; and such local authority or each one of such local authorities shall have all the powers under this Act in respect of such schemes or such part of a scheme as comes within its jurisdiction which the local authority ceasing to exist or ceasing to have jurisdiction had.

83. (*1*) If in the opinion of the State Government, any local authority is not competent to exercise or perform, or neglects or fails to exercise or perform, any power conferred or duty imposed upon it under any of the provisions of this Act, the State Government or any person or persons appointed in this behalf by the State Government, may exercise such power or perform such duty.

(*2*) Any expenses incurred by the State Government or by such person in exercising such power or performing such duty shall be paid out of the funds of the local authority and the State Government may make an order directing any person who for the time being has custody of any such funds to pay such expenses from such funds and such person shall be bound to obey such order.

State Government or person appointed by it may exercise power or perform duty conferred or imposed on local authority and disbursement of expenses.

84. (*1*) If at any time the State Government is of opinion that any land included in a town-planning scheme is needed for a public purpose other than that for which it is included in the scheme, it may make a declaration to that effect in the *Official Gazette* in the manner provided in section 6 of the Land Acquisition Act, 1894. The declaration so published shall, notwithstanding anything contained in the said Act, be deemed to be a declaration duly made under the said section.

I of 1894.

Power of State Government to acquire lands included in town-planning scheme.

(*2*) On the publication of a declaration under sub-section (*1*), the Collector shall proceed to take order for the acquisition of the land and the provisions of the Land Acquisition Act, 1894, as amended by the Schedule to this Act shall, so far as may be, apply to the acquisition of the said land.

I of 1894.

(*3*) In the proceedings under the Land Acquisition Act, 1894, the local authority concerned shall be deemed to be a person interested in the land acquired and in determining the amount of compensation to be awarded to the local authority the Collector or the Court, as the case may be, may take into consideration the value, if any, paid by the local authority for the acquisition of the said land under section 81 or otherwise and the proportionate cost of the scheme, if any, incurred by the local authority and rendered abortive by reason of the variation of the scheme on account of such acquisition.

I of 1894.

(*4*) On the land vesting in the Government under section 16 or 17 of the Land Acquisition Act, 1894, as the case may be, the scheme shall be deemed to have been suitably varied by reason of acquisition of the land.

I of 1894.

85. Where a municipality is dissolved or superseded under sub-section (*1*) of section 179 of the Bombay District Municipal Act, 1901, or under sub-section (*1*) of section 219 of the Bombay Municipal Boroughs Act, 1925, or where a municipal corporation is superseded under sub-section (*1*) of section 452 of the Bombay Provincial Municipal Corporations Act, 1949, or where a panchayat referred to in sub-clause (*b*) of clause (4) of section 2 of this Act is dissolved or superseded under sub-section (*1*) of section 102 of the Bombay Village Panchayats Act, 1933,—

Bom. III of 1901. Bom. XVIII of 1925. Bom. LIX of 1949. Bom. VI of 1933.

Special provision in case of dissolution or supersession of municipality, corporation or panchayat.

(*a*) the person or persons appointed under clause (*b*) of sub-section (*3*) of the said section 179 of the Bombay District Municipal Act, 1901, or under clause (*b*) of sub-section (*2*) of the said section 219 of the Bombay Municipal Boroughs Act, 1925, or under clause (*c*) of sub-section (*2*) of the said section 452 of the Bombay Provincial Municipal Corporations Act, 1949, or under clause (*a*) of sub-section (*4*) of the said section 102 of the Bombay Village Panchayats Act, 1933, as the case may be, shall be deemed to be a municipality, corporation or panchayat, as the case may be, within the meaning of clause (4) of section 2 of this Act, and may exercise all the powers and perform all the duties of a local authority under this Act, during the period of dissolution or supersession of such municipality, corporation or panchayat;

Bom. III of 1901. Bom. XVIII of 1925. Bom. LIX of 1949. Bom. VI of 1933.

(*b*) in the event of a person or persons appointed as aforesaid exercising the powers and performing the duties of a local authority under this Act, any property which may under the provisions of this Act vest in the local authority exercising such powers and performing such duties shall, during the period of dissolution or supersession of the municipality, corporation or panchayat, as the case may be, vest in the State Government, and such property shall, at the end of the said period, vest in such municipality, corporation or panchayat as the State Government may by notification in the *Official Gazette* direct.

Powers of local authority to be exercised by certain officers.

86. For the purposes of sections 29, 54 and 55 the powers and functions of a local authority shall be exercised and performed by the following authorities, namely :—

(*1*) in the case of the Bombay Municipal Corporation and any municipal corporation constituted under the Bombay Provincial Municipal Corporations Act, 1949, by the Municipal Commissioner, Bom. LIX of 1949.

(*2*) in the case of a municipal borough, by the Chief Officer of the municipal borough, and

(*3*) in the case of any other local authority, by the person exercising the powers of the Chief Executive authority.

Rules.

87. (*1*) The State Government may make rules consistent with the provisions of this Act to provide for all matters not specifically enacted therein.

(*2*) In particular and without prejudice to the generality of the foregoing power such rules may be made to determine the following matters :—

(*a*) the procedure to be followed by the officer appointed to hold an inquiry for the purpose of deciding a disputed claim as to ownership under section 19 ;

(*b*) the notice to be given under section 20 ;

(*c*) the manner of publication of a declaration of intention to make a scheme under sub-section (*2*) of section 22 ;

(*d*) the manner of publication of a draft scheme under section 23 ;

(*e*) the further particulars to be prescribed for inclusion in the draft scheme under clause (*h*) of section 25 ;

(*f*) the manner in which and the method according to which compensation shall be payable under section 26 ;

(*g*) the form of the commencement certificate to be granted by a local authority under clause (*a*) of sub-section (*1*) of section 29 and the conditions, if any, to be included therein ;

(*h*) the procedure to be followed by a local authority in making an inquiry under clause (*c*) of sub-section (*1*) of section 29 ;

(*i*) the procedure to be prescribed under section 32 and the notices to be given under clauses (*i*), (*ii*) and (*xiii*) of sub-section (*1*) of that section ;

(*j*) the form in which the Town Planning Officer is to draw up the final scheme under clause (*xiv*) of sub-section (*1*) of section 32 ;

(*k*) the manner of preparing a preliminary scheme under section 45 ;

(*l*) the manner of giving notice under section 46 ;

(*m*) the procedure to be followed by the local authority in summarily evicting a person under section 54 ;

(*n*) the notice to be given by the local authority before it takes action under section 55 ;

(*o*) the manner of publication of a draft variation under sub-section (*2*) and the particulars which a draft variation shall contain under sub-section (*3*) of section 56 ;

(*p*) the manner of election of representatives of the several local authorities under sub-section (*3*) of section 62;

(*q*) the time to be allowed for making a claim to compensation under section 69;

(*r*) the period within which payment is to be made to the local authority under section 72;

(*s*) the manner in which documents, plans and maps shall be made accessible to the public under proviso to section 80;

(*t*) the procedure to be adopted for securing co-operation on the part of the local authority with the owners or persons interested in land proposed to be included in a town planning scheme at every stage of the proceedings by means of conferences and such other means as may be expedient;

(*u*) the procedure to be followed by a Town Planning Officer appointed under this Act;

(*v*) the procedure to be followed generally in carrying out the provisions and objects of this Act;

(*w*) the extent to which the proceedings of local authorities under this Act shall be regulated by any municipal or local law applicable to such authorities.

(*3*) A rule made under this section may provide that a contravention of any of the provisions of the rules which are specified in such rule shall be punishable with fine which may extend to Rs. 1,000 and in the case of continuing contravention with an additional fine which may extend to Rs. 10 for every day during which such contravention continues after conviction for the first such contravention.

(*4*) The power to make rules under this Act shall be subject to the condition of previous publication.

Regulations.

88. (*1*) The State Government may make regulations to carry out the purposes included in a development plan.

(*2*) The power to make regulations under sub-section (*1*) shall be subject to the condition of previous publication.

No town-planning scheme or development plan for area for which housing schemes are sanctioned under Bom. LXIX of 1948.

89. Notwithstanding anything contained in this Act, no development plan or town-planning scheme shall be made for any area for which a housing scheme has been sanctioned under the provisions of the Bombay Housing Board Act, 1948.

Bom. LXIX of 1948.

Repeal and saving.

90. (*1*) The Bombay Town Planning Act, 1915, is hereby repealed.

Bom. I of 1915.

(*2*) Notwithstanding the repeal of the said Act, any declaration of intention to make a scheme, any application made to the State Government for sanction of the making of the scheme, any draft scheme published by a local authority, any application made to the State Government for the sanction of the draft scheme, any sanction given by the State Government to the draft scheme, any restriction imposed upon an owner of land or building against the erection or re-erection of any building or works, any commencement certificate granted, any order of suspension of rule, by-law, regulation,

notification or order made, any appointment made of an arbitrator, any proceeding pending before the arbitrator, any final scheme forwarded to, or sanctioned or varied by the State Government, any recoveries to be made or compensation to be given in respect of any plot under the repealed Act shall, in so far as it is not inconsistent with this Act, continue in force thereunder and provision of this Act shall have effect in relation to such publication, declaration of intention, draft scheme, final scheme, sanction, variation, restriction, proceedings suspension, recoveries or compensation.

(3) All proceedings pending before the Tribunal of Arbitration at the date when this Act comes into force shall be continued before and disposed of by the Board of Appeal, under this Act as if an appeal has been made to it in respect thereof.

SCHEDULE.

(*See* sections 11 and 84.)

Amendments to the Land Acquisition Act, 1894.

Amendment of section 23 of Act I of 1894.

1. For section 23 of the Land Acquisition Act, 1894 (hereinafter called the said Act), the following shall be substituted, namely :— Bom. I of 1894.

Matters to be considered in determining compensation.

"23. In determining the amount of compensation to be awarded for the land or any interest therein acquired under this Act, the Court shall take into consideration the following :—

(1) the market value at the date of the publication of the declaration under section 6 ;

(2) the use to which the land was put at the date of such declaration ;

(3) the damage sustained by the person interested by reason of the taking of any standing crops or trees which may be on the land at the time when the possession was taken from him ;

(4) the damage (if any) sustained by the person interested at the time of the possession being taken from him by reason of severing such land from his other land ;

(5) the damage (if any) sustained by the person interested at the time of the possession being taken from him of the land by reason of the acquisition injurously affecting his other property, moveable or immoveable, in any other manner or his earnings ;

(6) if in consequence of the acquisition of the land the person interested is compelled to change his residence, or place of business, the reasonable expenses, if any, incidental to such change."

Amendment of section 24 of Act I of 1894.

2. For section 24 of the said Act, the following shall be substituted, namely :—

Matters to be neglected in determining compensation.

"24. The Court shall not take into consideration the following :—

(1) the degree of urgency which has led to the acquisition ;

(2) any disinclination of the person interested to part with the land acquired ;

(3) any damage sustained by him which, if caused by a private person, would not render such person liable to a suit ;

(4) any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under section 6, by or in consequence of the use to which it will be put ;

(5) any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired ;

(6) any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put ;

(7) any outlay or improvements on, or disposal of the land acquired, commenced, made or effected without the sanction of the local authority after the date of the publication of the notification under section 6 ;

(8) the special suitability or adaptability of the land for any purpose, if that purpose is a purpose to which it could be applied in pursuance of any law, or for which there is no market apart from the special needs of the local authority ;

(9) any increase in the value of the land by reason of the use thereof or any premises thereon in a manner which could be restrained by any court, or is contrary to law or is detrimental to the health of the inmates of the premises or to the public health."

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